

ROAD MAP FOR NATIONAL SECURITY

ADDENDUM ON
STRUCTURE AND
PROCESS ANALYSES



Volume III - Congress

**United States Commission
on
National Security/21st Century**

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PREFACE

CONGRESS

The chapters in this volume provide information concerning organizations in Congress, including the House Committee on Appropriations, the House Committee on the Armed Services, the House Committee on International Relations, the House Committee on the Budget, the House Committee on Science, the House Committee on Transportation and Infrastructure, the Senate Committee on Appropriations, the Senate Committee on the Armed Services, the Senate Committee on Foreign Relations, the Senate Committee on the Budget, and the Senate Committee on Commerce, Science, and Transportation (Select Committees that exercise oversight of intelligence matters are contained in Volume VI, Intelligence Community).

Each chapter is designed to serve as a stand-alone reference for a specific organization and its role in national security processes. Chapters are presented in standard format to permit comparisons and facilitate research. That format is:

- An executive summary that provides an organizational overview and observations.
- Section 1 identifies the legal basis for the organization and significant organization and interagency directives.
- Section 2 notes the major responsibilities of the organization, identifies subordinate organizations, and delineates the organization's major products.
- Sections 3 and 4 deal with the vision, strategy, values, culture, leadership, staff attributes, and structure of the organization.
- Section 5 discusses the organization's formal role seven key processes.
- Section 6 provides information on the organization's roles in informal processes.
- Section 7 outlines the responsible Congressional committees, the budget, and the personnel strength of the organization.
- Section 8 provides observations on ways in which the organization contributes to national security.

Descriptions of organizations deemed most significant in terms of the current national security apparatus include matrices that relate products and roles to processes. Process maps have been added as appendices for these organizations. Where it may be helpful for readers to consult other chapters to gain a more complete understanding of particular concepts or issues, the appropriate references are included in the text or in footnotes. An acronym glossary is included at the end of Volume VII.

The entire series consists of seven volumes:

- Volume I contains descriptions of the overarching interagency and inter branch processes as well as key observations on organizations and processes;
- Volume II contains chapters on the Executive Office of the President.
- Volume III contains chapters on key Congressional Committees.
- Volume IV provides descriptions of key Department of State Organizations.
- Volume V discusses Department of Defense organizations.
- Volume VI covers intelligence community organizations and activities.
- Volumes VIIa and VIIb describe Executive Branch organizations not covered elsewhere.

These volumes are based on comprehensive searches of available literature, laws, and directives and extensive interviews with current and former practitioners. Research included both formal and informal processes. There is sufficient information on each organization to fill several volumes, thus the synthesis of this information focuses on national security processes as defined by the U.S. Commission on National Security/21st Century.

Volume III – Congress

House of Representatives

- Chapter 1** Committee on Appropriations
- Chapter 2** Committee on Armed Services (HASC)
- Chapter 3** Committee on International Relations
- Chapter 4** Committee on the Budget
- Chapter 5** Committee on Science
- Chapter 6** Committee on Transportation and Infrastructure

Senate

- Chapter 7** Committee on Appropriations
- Chapter 8** Committee on Armed Services (SASC)
- Chapter 9** Committee on Foreign Relations
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- Chapter 11** Committee on Commerce, Science, and Transportation

Bibliography

ORGANIZATIONAL DESCRIPTION

HOUSE COMMITTEE ON APPROPRIATIONS



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

House Committee on Appropriations

Overview

The House Committee on Appropriations is a standing, exclusive Committee of the House of Representatives responsible for crafting the 13 annual appropriations measures that determine and distribute annual levels of discretionary spending among the federal government's departments and agencies. The Committee, as its Senate counterpart, was established by Congress to fulfill the Constitutional requirement that "No money shall be drawn from the Treasury but in consequence of appropriations made by law." The Rules of the House of Representatives determine the organization of the Committee and its jurisdiction. The annual Joint Budget Resolution establishes the total amount available to the Committee each year.

The Committee influences national security by making annual appropriations that keep the Department of Defense, the Department of State, the Executive Office of the President, and other government activities and programs operating. In addition, the Committee responds to requests for supplemental funding in crises and emergencies, for example to support U.S. forces in non-budgeted military or peacekeeping operations.

The Committee works primarily through its 13 Subcommittees, each of which has responsibility for one of the 13 annual appropriations measures. The Committee determines spending ceilings for each Subcommittee based on the information provided in the Joint Budget Resolution. The Subcommittees then prepare markups on the 13 appropriations measures using the previous year's bills and the President's budget as background and report them out to the full Committee. The full Committee also marks them up and/or amends them and reports them to the floor of the House for amendment and vote.

The Appropriations Committee is considered the most influential Committee in the House. Technically the Appropriations Committee must follow the policy guidelines laid out by authorizing committees, such as the House Armed Services Committee and House International Relations Committee, in determining funding for agencies and programs; in fact, the authorizing and appropriating processes happen in parallel. Occasionally, policy disputes hold up authorizing measures, and appropriating measures may be completed before an authorizing Committee has finished its work. The Appropriations Committee benefits from having the jurisdiction to originate spending measures. The influence of the Committee is recognized by other Members, who work to ensure support by the Committee for their legislative priorities.

Organization

The Committee currently has 61 members, 34 Republicans and 27 Democrats. It is organized into 13 Subcommittees, each of which has responsibility for one of the 13 annual appropriating measures. The Subcommittees' titles reflect their realm of responsibility. They are:

- Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies;

- Subcommittee on Commerce, Justice, State, and the Judiciary;
- Subcommittee on Defense;
- Subcommittee on the District of Columbia;
- Subcommittee on Energy and Water Development;
- Subcommittee on Foreign Operations, Export Financing and Related Programs;
- Subcommittee on Interior;
- Subcommittee on Labor, Health and Human Services, and Education;
- Subcommittee on Legislative;
- Subcommittee on Military Construction;
- Subcommittee on Transportation;
- Subcommittee on Treasury, Postal Service, and General Government; and
- Subcommittee on VA, HUD, and Independent Agencies.

Membership in the Committee and Subcommittees is determined by the respective parties in each party's caucus or conference, according to each party's rules. Because of the influence of the Committee, membership on the Committee is highly prized and there are always more requests to be appointed to the Committee than can be accommodated. In designating Members of the Committee, each party's caucus or conference is influenced by a Member's seniority, background, ideology, the strength of his or her delegation in the House, the Member's relationship with his or her leadership, and the Member's reelection potential in his or her district. A party's leadership, for example, may recommend a Member for the Appropriations Committee as a way of raising the Member's profile back home if it believes the Member may face a strong contender from another party.

The Chair of the Committee is elected by the House from nominations provided by the majority party. The Subcommittees' Chairs and Ranking Members are determined by the majority and minority party. Although seniority is important in choosing chairs and ranking members, it is not the only determinant. The majority and minority will consider the personal and political influence of a Member and his or her ability to represent and protect the party's interests.

Major Organizational Products

The Committee's major products are the 13 annual appropriations bills, which are reported out to the full House for debate, amendment, and vote. Annual appropriations may also be bundled into one omnibus bill. The Committee also produces supplemental appropriations

bills to provide additional budget authority for the current fiscal year when non-budgeted crises or emergencies demand it. Finally, when necessary, the Committee reports to the House continuing appropriations measures, which provide temporary funding to keep the government operational while the annual appropriations measures are completed.

Role in Formal and Informal National Security Processes

The Committee's key national security role is in providing resources for the departments and agencies of the Executive Branch that formulate and implement national security policy. Although the Committee has no formal role in legislating policy, which in fact Rules of the House prohibit an appropriating measure to do, the Committee may include in its appropriating measures language altering or repealing existing law. As long as such language is not challenged in Committee or on the floor of the House, or as long as it withstands any such challenge, appropriating measures may change policy. The matrix below illustrates the Committee's role in national security.

		Strategy Development	Policy, Guidance, and Regulations	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing
Products	Appropriations Bills					✓		✓
Roles	Fund the Government					✓		✓

Strategy Development. The Committee has no formal role in strategy development, however its hearings and reports exert influence over strategy and policy.

Policy, Guidance, and Regulation. The Committee has no formal role in policy, guidance, or regulation. The Committee may insert language in appropriation measures that changes or repeals existing law, affecting an Administration's policy options if the language is not challenged by points of order during Committee or floor debate. The Committee may also insert language imposing limitations on spending.

Planning. The Committee has no role in national security planning.

Mission Execution. The Committee has no role in mission execution.

Observation, Orientation, and Oversight. The Committee exercises oversight through its review of spending by agencies and department within its jurisdiction.

Preparation. The Committee has no role in preparation.

Resourcing. The Committee marks and reports to the House the 13 appropriations bills that provide funding for government agencies, departments, and programs. The Committee also marks and reports continuing resolutions that keep the government operational while the regular appropriations process is concluded, and supplemental appropriations bills that provide funding in crises or emergencies.

Observations

Despite the rules that govern the appropriations and legislative processes, the House, and legislative branch as a whole, has great latitude in amending those processes to meet its objectives. For example, the House may pass legislation that amends existing rules so as to use appropriations measures to legislate changes to existing laws that affect national security. Or, it may carefully craft appropriating language so as to compel the Administration to make changes in policy. Depending on the relationship between the legislative and executive branches, and the relative power of the majority over the minority, appropriating measures are powerful tools for the Legislative Branch to influence the Executive.

ORGANIZATIONAL DESCRIPTION

HOUSE COMMITTEE ON APPROPRIATIONS

1. Legal Specifications, Authorizations, and Responsibilities.

A. Authorization:

(1) **Section 9 of the Constitution of the United States** specifies that "No money shall be drawn from the Treasury but in consequence of appropriations made by law." In 1865, Congress determined that a Committee on Appropriations should have responsibility for all appropriations bills.¹ (A staff member interviewed during this study encapsulated this by saying: "The Founding Fathers clearly understood the power of the purse and, today, that power resides in the Appropriations Committees.")²

(2) **Section 8 of the Constitution** gives Congress specific powers, including providing for the common defense and the raising and support of military forces.

B. Rules of the House: Rule X of the House of Representatives establishes the organization and jurisdiction of all House Committees, including the Committee on Appropriations. These are detailed in paragraph 2.A.

C. The Annual Joint Budget Resolution: The total amounts that can be appropriated by the Committee is limited by the Joint Budget Resolution prepared by the Senate and House Budget Committees and passed by both houses. The Appropriations Committee Chair allocates a portion of the total to each of the 13 Appropriations Subcommittees, and this amount becomes the "cap" for apportioning discretionary spending under Subcommittee jurisdiction. (See also papers concerning Senate and House Budget Committees in this volume.)

2. Missions/Functions/Purposes.

A. Major Responsibilities: The House Appropriations Committee is a standing, or permanent, Committee of the House under House Rules. Its jurisdiction includes:³

- (1) Appropriation of the revenue for the support of the Government;
- (2) Rescissions of appropriations contained in appropriation Acts;
- (3) Transfers of unexpended balances; and

¹ U.S. House of Representatives, Committee on Rules, Majority Office. "Parliamentary Outreach Program: The Appropriations Process." The Constitution does not require an Appropriations Committee; it was created by Congress to assist in carrying out its Constitutional role. Except for military forces, for which the Constitution limits terms of appropriations to no longer than two years, the Constitution does not specify how often appropriations are to be made. By custom, funds are appropriated annually. In the case of military forces, the Constitution specifies that any appropriation must be for a period not to exceed two years. There are exceptions to this rule, however, in cases in which Congress approves a permanent appropriation.

² Interview with Congressional staff.

³ The following is drawn from Rules of the House of Representatives—106th Congress, Rule X, Organization of Committees, Committees and their legislative jurisdictions.

(4) Bills and joint resolutions reported by other committees that provide new entitlement authority as defined in section 3(9) of the Congressional Budget Act of 1974 and referred to the Committee under clause 4(a)(2).

The Appropriations Committee carries out these responsibilities only with regard to the discretionary portion of the Federal Budget. Discretionary spending, which amounts approximately to one-third of the Federal Budget, refers to spending to keep the Federal Government operational. It includes funding to pay salaries and expenses for federal agencies, to support the defense budget, and to pay for a number of federal programs, such as public housing, the space programs, national parks upkeep, and more.⁴

Appropriations are legal authority for government entities to obligate funds, not the funds themselves. In short, "An appropriation is a law passed by Congress that provides federal agencies legal authority to incur obligations and the Treasury Department authority to make payments for designated purposes."⁵

Technically, appropriations provide Executive Branch entities with "Budget Authority" or BA.⁶ Without BA, no government activity may obligate the U.S. Treasury through contract or other method of expenditure. In other words, unless an activity has BA, it cannot spend money.⁷ Thus, when appropriations bills are held up, the government closes unless continuing resolutions are adopted by the House (through the Appropriations Committee process) to keep it open.

BA is not the same as an outlay, which constitutes the actual transfer or expenditure of funds. While most funds must be obligated in the same fiscal year for which they are appropriated, there is no requirement for them to be paid out—out lay—during that year. In other words, the Appropriations Committee may report out a bill that appropriates \$1 billion for construction of a military aircraft. When the appropriation becomes law, the Department of Defense must obligate that amount during the following fiscal year through an appropriate contract vehicle.⁸ However, the funds may not actually be transferred to the contractor until some years later. In any given fiscal year, then, Executive Branch departments and agencies are paying out prior year obligations that were appropriated in previous fiscal years. Unless otherwise specified in the bill, appropriations are effective for the next fiscal year only. Often exceptions are made for research and development programs and some construction projects for which BA may be made available indefinitely.⁹

⁴ About two-thirds of the Federal Budget consists of mandatory spending, for which funding is automatically set aside by permanent law and to which the annual appropriations process does not apply. Mandatory spending covers programs such as Medicare and Medicaid, Social Security, and interest on the debt. See paragraph 5.A.(4).

⁵ Keith, Robert. Introduction to the Federal Budget Process. Washington, D.C., Congressional Research Service, August 28, 1998 (Report Number 98-721 GOV), p. 19. (Hereafter Keith.)

⁶ BA may also be provided by authority to borrow, contract authority, and spending authority from offsetting collections. These authorities also require Congressional action and are usually contained in permanent legislation. See FY 2000 Budget, p. 9.

⁷ There are some technical exceptions that are beyond the scope of this paper. See Schick and FY 2000 Budget.

⁸ If the Department elects not to obligate the funds for the purposes for which they were appropriated, it may initiate reprogramming actions.

⁹ FY 2000 Budget, p. 10.

Appropriations and authorization are linked. *Appropriations* determine the amount of money that may be spent by a government entity; *authorizations* prescribe the activities or programs for which the money may be spent. As one observer notes, "funds provided in appropriations acts are to be spent according to the terms set in authorizing legislation."¹⁰ Sometimes authorizing legislation specifies that an exact amount be appropriated, while at other times the amount is left vague. When it is specified, the Appropriations Committee may appropriate that amount or less, but it may not appropriate more.

While authorization is supposed to inform appropriations, this is not always the case, and Appropriations Subcommittees deal with numerous substantive matters beyond funding. In recent times, appropriators have completed their bills prior to the passage of authorizing language and sometimes they pay less than strict attention to authorizing provisions even when authorization bills have been passed.¹¹ This has led some members of authorizing committees to suggest the abolition of appropriations committees and the assimilation of that function into the authorizing committee responsibilities.¹² (See sections in this volume dealing with authorizing committees.) On the other hand, authorizing committees can report out direct (or permanent) spending legislation, which, if passed, can provide permanent BA for which no further annual appropriations action is necessary. (For a discussion of these procedures see Schick, FY 2000 Budget, and Keith.)

B. Subordinate Committees: The Appropriations Committee has 13 Subcommittees, each of which is responsible for one of the 13 appropriations bills that determine funding for the Government's discretionary expenditures. They are:

- (1) Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies;
- (2) Subcommittee on Commerce, Justice, State, and the Judiciary;
- (3) Subcommittee on Defense;
- (4) Subcommittee on the District of Columbia;
- (5) Subcommittee on Energy and Water Development;
- (6) Subcommittee on Foreign Operations, Export Financing and Related Programs;
- (7) Subcommittee on Interior;
- (8) Subcommittee on Labor, Health and Human Services, and Education;
- (9) Subcommittee on Legislative;

¹⁰ Schick, Allen. The Federal Budget: Politics, Policy, Process. Washington, D.C.: The Brookings Institution, 1995, p. 118. (Hereafter, Schick.)

¹¹ Interviews with Members of Congress and Congressional staff.

¹² Schick, pp. 162-164 passim. While possible under the procedures for changing rules, it is likely that doing so would make appropriations "hostage" to conflicts over policy, thus slowing the appropriations procedure.

- (10) Subcommittee on Military Construction;
- (11) Subcommittee on Transportation;
- (12) Subcommittee on Treasury, Postal Service, and General Government; and
- (13) Subcommittee on VA, HUD, and Independent Agencies.

House and Senate Appropriations Subcommittees have parallel jurisdictions, and "each pair handles one of the regular appropriations bills."¹³ As indicated in the discussion of Subcommittee jurisdiction in paragraph 4.E., however, jurisdiction over programs and agencies is not entirely compartmentalized, and often several Subcommittees are responsible for appropriations for one Department or Agency. For example, the Subcommittee on Foreign Operations and Commerce, Justice, State, and the Judiciary both have jurisdiction over State Department Activities, and the same is true of other Departments and Agencies as well.

C. Major Products: The major products of the House Appropriations Committee are the 13 appropriations bills, which are reported out of the Committee for full House consideration. The 13 measures total more than \$500 billion in discretionary spending.¹⁴

The Committee also produces supplemental appropriation measures, which provide additional budget authority for the current fiscal year when emergencies or crises require additional expenditures; and continuing appropriations bills, which provide temporary funding to sustain government operations while the regular appropriations bills are being completed.

Finally, the Committee drafts reports and statements to accompany appropriations measures. Report language and managers' statements, although not legally binding, provide additional guidance on how the agencies should spend the appropriated funds.

3. Vision and Core Competencies.

A. Vision: There is no published vision statement for the Appropriations Committee.

B. Core Competencies: Core competencies of the Committee include determining funding levels for programs and operations of government agencies within a predetermined cap. This activity involves the ability to analyze and make trade-offs between programs.

4. Organizational Culture.

A. Values: There is no published statement of values for the Appropriations Committee.

B. Leadership Traditions: Traditionally, the Chair of the Appropriations Committee and the Subcommittee Chairs in the House are considered among the most powerful individuals

¹³ Schick, p. 130.

¹⁴ This amounts to about one third of the total budget, the remainder of which is in entitlement programs. For FY 1998, for example, \$364 billion in total spending went to interest on the public debt and \$371 billion went for large entitlement programs such as Social Security.

in the House.¹⁵ As one Congressional expert noted, in discharging its duties, "Congress must do only one thing: pass the 13 appropriations bills."¹⁶ Thus, the Chairs of the Appropriation Committee and Subcommittees manage the key function of Congress. The Chairs of the Subcommittees have latitude in determining the allocation of the total sum they are provided by the Committee to fund the activities and programs over which their Subcommittee has control, and they can "earmark" funds for special projects. Typically, in making allocations, Subcommittee Chairs use previous years spending bills and the President's Budget as guides; however, they have the power to shift funds to reflect their priorities and determine new priorities. Appropriations Subcommittee Chairs also have the latitude to include provisions that are in opposition to authorizing committee language.¹⁷

Other Members are well aware of the Subcommittee's influence over the allocation of funds. In the lead up to the appropriations process, Members, regardless of Committee or party affiliation, seek to secure a Subcommittee Chair's support for their own priorities so as to ensure that a program for which they may have won authorization can receive the necessary funding to be implemented. This is done through letters to the Chairs or in personal conversations between a Member and the Subcommittee Chair.

Under House rules, Committee Chairmanship is determined by majority vote among the nominations put forth by the majority party.¹⁸ House Appropriations Subcommittee Chairs and Ranking Members are selected by vote in the respective party caucuses.¹⁹ In selecting Committee and Subcommittee chairs, how well a Member's colleagues think he/she will represent their individual and aggregate interests and party positions and seniority are significant factors. In the Appropriations Committee, seniority for Subcommittee chairs is based on seniority in the Subcommittee, not in the full Committee. Depending on party rules, Chairs may keep their positions for an indefinite period or be limited to a fixed number of years.

C. Staff Attributes: The Committee on Appropriations is subject to different rules under House Rule X for hiring staff. Whereas all other House Committees are limited (with some exceptions) to 30 professional staff, the House Appropriations Committee "may appoint by majority vote such staff as it determines to be necessary (in addition to the clerk of the committee and assistants for the minority.)"²⁰

Appropriations staff members have different backgrounds; there is no one salient characteristic that applies to all. Educational experience ranges from liberal arts degrees, to Masters of Business Administration, to accounting, to Doctors of Jurisprudence.²¹

Each staff member owes his position to a Committee member, Subcommittee chair or Ranking Member, and/or to the Chair or Ranking Member, with the Subcommittee Chairs having the greatest role in staff appointments. When Chairs or Ranking Members change, their successors may bring in at least a few new staff members. If the balance of power in the

¹⁵ Interviews with Congressional staff, also see Schick, pg. 133.

¹⁶ Interview with senior Congressional Research Service staff, September 24, 1999.

¹⁷ Schick, Chapters 7 & 8.

¹⁸ Rules of the House of Representatives—106th Congress: Rule X: Organization of Committees.

¹⁹ Schick, pg. 133.

²⁰ Rules of the House of Representatives—106th Congress: Rule X: Organization of Committees.

²¹ Almanac of the Unelected. Washington, D.C., Berman Press, 1999.

chamber as a whole changes, staff turn-over would presumably be greater because the new majority party will appoint additional staff members over and above those they already have, and the new minority party will release staff to bring their total staff into line with the rules and funding limits.

Most Appropriations Committee staff are assigned to Subcommittees, where the bulk of the appropriations work is done. Staff are experts in their specialties and also in House processes and procedures. Their salient value is their ability to provide objective assessments for members. Former staff members indicated during interviews that longevity is important to success because it takes most staff members 12-18 months to learn how the House operates and to establish relationships with other Congressional committees and staff in the Executive departments and agencies over which their subcommittee has jurisdiction.

Staff influence depends on trust between the staffer and the member for whom he/she works. It also stems from the ability of the staffer to develop robust networks that include department and agency staff, academia, and industry and provide the most up-to-date information. In a very real sense, information is power. Staff must know department, agency, and White House positions on each issue in order to be effective. While usually collegial, the information exchange relationships between staffers and departments, agencies, and commercial contractors is also often adversarial because of substantial differences in their agendas.

Currently, the House Appropriations Committee has a total of 19 staff members who work for the majority, including the staff director, staff assistants, administrative aides, and computer administrators, and three staff members assigned to the minority, consisting of one staff director and two staff assistants. In addition, each Subcommittee is supported by its own majority and minority staff, whose numbers vary from Subcommittee to Subcommittee.²² The majority usually has far greater staff support.²³ Some minority staff members also support more than one Subcommittee.

D. Strategy: There is no published Committee Strategy. Strategic approaches are at the discretion of Committee and Subcommittee Chairs and Ranking Members with each Member deciding his/her own strategy for issues and sessions.

E. Organization: The House Appropriations Committee is a standing committee under House rules.²⁴ It is also considered an exclusive Committee, which means its Members may not serve on any other Committee of the House except for the Budget Committee or the Oversight Committee.²⁵

²² This information is derived from CAPWEB website, at <http://www.capweb.net/classic/Committee.morph?commCode=96>.

²³ For example, the Defense Subcommittee has 12 majority staff assistants and one staff aide, whereas the minority in the Subcommittee is supported by only one staff member. See CAPWEB.

²⁴ Standing Committees are permanent Committees that have specific legislative jurisdiction outlined in the House Rules and that can recommend funding levels. The House also has Select Committees, which are created by resolution by the House or Senate to conduct specific investigations or studies, and Joint Committees, which include members of the House and Senate and are concerned with conducting studies rather than considering legislation.

²⁵ This is not a rule of the House, but a practice followed by both parties and it is designed to share power among Members. See: Schneider, Judy. *House Committees: Categories and Rules for Committee Assignments*, CRS Report for Congress. (Washington, D.C.: Congressional Research Service, February 20, 1998.) (Henceforth, Categories and Rules for Committee Assignments.)

Appropriations Committee membership is determined by the same rules followed for assigning members to all other Committees (i.e., each political party assigns its own Members to Committees based on leadership recommendations and according to party procedures.) Both Republicans and Democrats have established Steering Committees to make recommendations respectively to the Republican Conference and Democratic Caucus regarding Committee assignments for current and incoming members. For both parties, a number of considerations influence Committee assignments, including a Member's seniority, background, ideology, the strength of his or her state delegation in the House, the Member's relationship with the party leadership, and the Member's reelection potential.²⁶ Generally, the leadership will assist a Member facing a strong challenger from another party by assigning that Member to an influential Committee, such as Appropriations, from which the Member may affect the interests of his or her constituency.

The leadership of the two political parties negotiate the size of each Committee and the ratio of the majority to the minority prior to each new Congress and immediately after election results are available. Committee sizes generally remain constant, although special elections or other unforeseen circumstances may affect a Committee's membership. The Appropriations Committee currently has a total of 61 members, 34 Republicans and 27 Democrats. The Committee is supported by a majority and minority staff as described in paragraph 4.C.

The Committee is organized into 13 subcommittees as described in paragraph 2.B. The Committee Chair, in consultation with the majority party committee members, selects Subcommittee Chairs. A similar practice is followed by the Minority in selecting Ranking Members.

The House Appropriations Committee membership for the 106th Congress is shown below.

²⁶ Categories and Rules for Committee Assignments.

House Committee on Appropriations

Republicans (34)	Democrats (27)
C.W. Bill Young (FL)—Chair Ralph Regula (OH) Jerry Lewis (CA) John Edward Porter (IL) Harold Rogers (KY) Joe Skeen (NM) Frank R. Wolf (VA) Tom DeLay (TX) Jim Kolbe (AZ) Ron Packard (CA) Sonny Callahan (AL) James Walsh (NY) Charles H. Taylor (NC) David Hobson (OH) Ernest J. Istook (OK) Henry Bonilla (TX) Joe Knollenberg (MI) Dan Miller (FL) Jay Dickey (AR) Jack Kingston (GA) Rodney P. Frelinghuysen (NJ) Roger F. Weicker (MS) George R. Nethercutt, Jr. (WA) Randy "Duke" Cunningham (CA) Todd Tiahrt (KS) Zach Wamp (TN) Tom Latham (IN) Anne Northup (KY) Robert Aderholt (AL) Jo Ann Emerson (MO) John E. Sununu (NH) Kay Granger (TX) John E. Peterson (PA) Roy Blunt (MO)	David Obey (WI)—Ranking Member John P. Murtha (PA) Norman Dicks (WA) Martin Olav Sabo (MN) Julian C. Dixon (CA) Steny H. Hoyer (MD) Alan B. Mollohan (WV) Marcy Kaptur (OH) Nancy Pelosi (CA) Peter J. Visclosky (IN) Nita M. Lowey (NY) Jose E. Serrano (NY) Rosa L. DeLauro (CT) James P. Moran (VA) John W. Olver (MA) Ed Pastor (AZ) Carrie P. Meek (FL) David E. Price (NC) Michael P. Forbes (NY) Chet Edwards (TX) Robert E. "Bud" Cramer, Jr. (AL) Maurice D. Hinchley (NY) Lucille Roybal-Allard (CA) Sam Farr (CA) Jesse L. Jackson (IL) Carolyn C. Kilpatrick (MI) Allen Boyd (FL)

Subcommittees' membership and responsibilities are detailed below:

(1) Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies:

Republicans (8)	Democrats (5)
Joe Skeen—Chair James Walsh Jay Dickey Jack Kingston George Nethercutt Henry Bonilla Tom Latham Jo Ann Emerson	Marcy Kaptur—Ranking Member Rosa DeLauro Maurice Hinchley Sam Farr Allen Boyd

This Subcommittee has jurisdiction over the Department of Agriculture and its programs (a total of 90 different appropriations); the Farm Credit Administration; the Commodity Futures Trading Commission; and the Farm Credit System Financial Assistance Corporation (an element of the Treasury Department).

The areas over which the subcommittee has jurisdiction that have the greatest potential for direct national security impact include:

(a) The Food and Drug Administration (Department of Health and Human Services);

(b) Animal and Plant Inspection Service, the Commodity Assistance Program, the Commodity Futures Trading Commission, the Food Safety and Inspection Service, the foreign Agricultural Service, Grain Inspection Service, Hazardous Waste Management, Natural Resources Conservation Service, the Offices of Information Resource Management, and Resource Conservation and Development (Department of Agriculture).

(2) Subcommittee on Commerce, Justice, State, and the Judiciary:

Republicans (7)	Democrats (4)
Harold Rogers—Chair Jim Kolbe Charles Taylor Ralph Regula Tom Latham Dan Miller Zach Wamp	Jose Serrano—Ranking Member Julian Dixon Alan Mollohan Lucille Roybal-Allard

The Subcommittee has jurisdiction over appropriations for the Departments of Commerce, Justice, and State (except counterterrorism, international narcotics control, and migrations and refugee assistance) and the federal judiciary.

Significant national security related jurisdiction includes:

(a) Contributions to International Organizations including United Nations dues and peacekeeping assessments, International Conferences and Contingencies, Missions to International Organizations, World Health organization (Department of State);

(b) The Federal Bureau of Investigation, the Immigration and Naturalization Service, and U.S. Marshals Service (Department of Justice);

(c) The Bureau of Export Administration, the Economic Development Administration, National Oceanic and Aeronautics Administration, National Technical Information Service, National Telecommunications and Information Administration, the Technology Administration (Department of Commerce);

(d) The Ready Reserve Force²⁷ (Department of Transportation); and

(e) Independent commissions including, the Commission on Immigration Reform, the Commission on Security and Cooperation in Europe, the Competitiveness Policy Council, the Federal Communications Commission, the Federal Maritime Commission, the Federal Trade Commission, the International Trade Commission.

(3) Subcommittee on Defense:

Republicans (10)	Democrats (6)
Jerry Lewis—Chair Bill Young Joe Skeen David Hobson Henry Bonilla George Nethercutt Ernest Istook Duke Cunningham Jay Dickey Rodney Frelinghuysen	John P. Murtha—Ranking Member Norman Dicks Martin Olav Sabo Julian Dixon Peter Visclosky James Moran

The Subcommittee on Defense has jurisdiction over for appropriations for:

(a) The Department of Defense and the military departments;

(b) The Ballistic Missile Defense Organization;

(c) The Defense Agencies;

(c) The Defense Finance and Accounting Service;

(e) The Defense Health Program (TRICARE));

²⁷ The RRF consists of commercial vessels owned by the United States and kept in mothball status for use in times of national emergency to transport equipment and supplies. The last large scale usage was during the Persian Gulf Crisis of 1990-1991.

- (f) The Defense Conversion Committee;
- (g) The Defense Logistics Agency;
- (h) The Intelligence Community;
- (i) The National Guard and the Reserve Components;
- (j) The National Security Agency;
- (k) The National Reconnaissance Office;
- (l) Appropriations pertaining to the North Atlantic Treaty Organization (NATO);
- (m) Overseas Dependent Education; and
- (n) Uniformed Services University of Health Services.

(4) Subcommittee on the District of Columbia:

Republicans (6)	Democrats (3)
Ernest Istook—Chair Duke Cunningham Todd Tiahrt Robert Aderholt Jo Ann Emerson John Sununu	James Moran—Ranking Member Julian Dixon Alan Mollohan

The Subcommittee has jurisdiction over appropriations for the District of Columbia and St Elizabeth's Hospital. Depending on terrorist activities, DC appropriations could have a national security impact.

(5) Subcommittee on Energy and Water Development:

Republicans (6)	Democrats (4)
Ron Packard—Chair Harold Rogers Joe Knollenberg Rodney Frelinghuysen Sonny Callahan Tom Latham	Peter Visclosky—Ranking Member Chet Edwards Ed Pastor Michael Forbes

This subcommittee has jurisdiction over some activities of the Department of Defense, the Department of Energy, and the Department of the Interior.

Activities which have potential national security impact include:

(a) Atomic Energy Defense Activities, the Energy Department (less fossil fuels, conservation, compliance, regulation, and information), the Federal Energy Regulatory Commission. (Department of Energy);

(b) The Bureau of Reclamation (Department of Interior);

(c) The Nuclear Regulatory Commission; the Nuclear Waste Technical Review Board;

(d) The Department of the Army Civil works and the Corps of Engineers civil works the Defense Nuclear Facilities Safety Board (Department of Defense); and

(e) The Tennessee Valley Authority and other regional power administrations.

(6) Subcommittee on Foreign Operations, Export Financing and Related Programs:

Republicans (7)	Democrats (5)
Sonny Callahan—Chair John Edward Porter Frank Wolf Ron Packard Joe Knollenberg Jack Kingston Jerry Lewis	Nancy Pelosi—Ranking Member Nita Lowey Jesse Jackson Carolyn Kikpatrick Martin Olav Sabo

The Subcommittee on Foreign Operations' jurisdiction includes appropriations for Treasury, State, and Defense.

National Security related appropriations include:

(a) International Development Association, International Finance Corporation, and International Financial Institutions; the Export-Import Bank African and Asian Development (Treasury Department);

(b) The Agency for International Development and DoS Anti-Terrorist programs (Department of State);

(c) Foreign Military Financing and International Military Education and Training programs (Defense Department);

(d) Migration and Refugee Assistance, Trade and Development Agency, and the Peace Corps.

(7) Subcommittee on Interior:

Republicans (8)	Democrats (5)
Ralph Regula—Chair Jim Kolbe Joe Skeen Charles Taylor George Nethercutt Zach Wamp Jack Kingston John E. Peterson	Norman Dicks—Ranking Member John P. Murtha James P. Moran Bud Cramer Maurice Hinchley

The Subcommittee on Interior has jurisdiction over some programs of the Department of Interior, Energy and health and Human Services.

The following appropriations have national security implications:

(a) Emergency Preparedness, Energy Conservation, Fossil Energy, Naval Petroleum and Oil Shale Reserves, Strategic Petroleum Reserve, Fossil Energy Research and Development, Energy Information Administration (Department of Energy);

(b) Bureau of Land Management, Bureau of Mines, Geological Survey, Land and Water Conservation Fund, Office of Insular Affairs, Office of Special Trustee (Department of Interior); and

(c) Outer Continental Shelf.

(8) Subcommittee on Labor, Health and Human Services, and Education:

Republicans (9)	Democrats (6)
John Edward Porter—Chair Bill Young Henry Bonilla Ernest Istook Dan Miller Jay Dickey Roger Wicker Anne Northup Duke Cunningham	David Obey—Ranking Member Steny Hoyer Nancy Pelosi Nita Lowey Rosa DeLauro Jesse Jackson, Jr.

The Subcommittee has jurisdiction over some programs in the Departments of Labor, Health and Human Services, and Education:

Programs and activities that may have an impact on national security include:

(a) Community Health Centers; Drug Free Schools and Communities Act, Centers for Disease Control and Prevention, Immunization Programs, the National Institutes of Health, Health Professions Education, Job Opportunities and

Basic Skill Training Program, Office of Refugee Resettlement, Public Health Service, Substance Abuse and Mental health Services (Department of Health and Human Services);

(b) Higher Education, International Education, Student Financial Assistance Vocational and Adult Education (Department of Education);

(c) Job Corps (Department of Labor);

(d) The National Institute of Health, the U.S. Institute of Peace; and

(e) Social Security Administration.

(9) Subcommittee on Legislative:

Republicans (5)	Democrats (3)
Charles Taylor—Chair Zack Wamp Jerry Lewis Kay Granger John Peterson	Ed Pastor—Ranking Member John Murtha Steny Hoyer

The Subcommittee is responsible for appropriations for the Congressional Budget Office; the General Accounting Office; the Government Printing Office; the Capitol Police Board; the Joint Economic Committee; the Joint Committee on Printing; the Joint Committee on Taxation; the Stennis Center for Public Service, Training, and Development; the Architect of the Capitol; the Botanic Garden; Books for the Blind and Physically Handicapped; and the House and Senate. None of these appear to have a direct impact on national security.

(10) Subcommittee on Military Construction:

Republicans (8)	Democrats (5)
David Hobson—Chair John Porter Roger Wicker Todd Tiahrt James Walsh Dan Miller Robert Aderholt Kay Granger	John Olver—Ranking Member Chet Edwards Sam Farr Allen Boyd Norman Dicks

The Subcommittee on Military Construction is responsible for Department of Defense construction, remodeling, and facilities replacement projects for the Military Departments (including family housing and the Reserve Components), the Defense agencies, NATO infrastructure, and the Ballistic Missile Defense Organization. It also appropriates funds for the Homeowners Assistance Fund and base closure accounts. Most of these have a direct impact on national security.

(11) Subcommittee on Transportation:

Republicans (9)	Democrats (6)
Frank Wolf—Chair Tom DeLay Ralph Regula Harold Rogers Ron Packard Sonny Callahan Todd Tiahrt Robert Aderholt Kay Granger	Martin Slabo—Ranking Member John Olver Ed Pastor Carolyn Kilpatrick Jose Serrano Michael Forbes

The Subcommittee is responsible for appropriations for various Department of Transportation activities and several boards and commissions.

Those that have national security implications include:

(a) The Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the Federal Transit Administration, the Office of Commercial Space Transportation, and the U.S. Coast Guard (Department of Transportation);

(b) It also appropriates funds for the Interstate Commerce Commission, the National Transportation Safety Board, and the Panama Canal Commission.

(12) Subcommittee on Treasury, Postal Service, and General Government:

Republicans (6)	Democrats (4)
Jim Kolbe—Chair Frank Wolf Anne Northup Jo Ann Emerson John Sununu John Peterson	Steny Hoyer—Ranking Member Carrie Meek David Price Lucille Roybal-Allard

The Subcommittee on Treasury and General Government funds a variety of government activities in the Executive Office of the President, the Treasury Department, the General Services Administration, the U.S. Postal Service, and several independent Executive Branch offices.

Activities that have a bearing on national security include:

(a) The National Security Council, the National Economic Council, the Council of Economic Advisors, the Office of Management and Budget, and the Office of Policy Development (Executive Office of the President);

(b) The Bureau of Alcohol, Tobacco, and Firearms; the Federal Law Enforcement Training Center; the Financial Crimes Enforcement Network; the Financial Management Service; the Internal Revenue Service; the U.S. Customs Service, and the U.S. Secret Service (Department of Treasury);

(c) Public Buildings Service (General Services Administration); and

(d) The Office of National Drug Control Policy.

(13) VA, HUD, and Independent Agencies:

Republicans (8)	Democrats (5)
James Walsh—Chair Tom DeLay David Hobson Joe Knollenberg Rodney Frelinghuysen Roger Wicker Anne Northup John Sununu	Alan Mollohan—Ranking Member Marcy Kaptur Carrie Meek David Price Bud Cramer

The Subcommittee appropriates funds for a variety of Veterans Affairs, Housing and Urban Development, Health and Human Services, and independent activities. Those that have implications for national security include:

(a) The Chemical Safety and Hazard Investigation Board, the Agency for Toxic Substances and Disease Registry (Health and Human Services);

(b) Council on Environmental Quality and Office of Environmental Quality, Office of Science and Technology policy (Executive Office of the President);

(c) The National Science Foundation;

(d) The Selective Service System;

(e) The Federal Emergency Management Agency; and

(f) The National Aeronautics and Space Administration.

5. Formal National Security Process Involvement.

A. Overview:²⁸

		Strategy Development	Policy, Guidance, and Regulations	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing
Products	Appropriations Bills					✓	✓	✓
Roles	Fund the Government					✓	✓	✓

Figure 1: House Committee on Appropriations' involvement in national security

(1) Appropriations Fundamentals: At the outset, several premises should be kept in mind. First, government departments and agencies cannot spend more money than Congress appropriates to them, nor can they reprogram funds for purposes other than those prescribed by Authorization and Appropriations bills and reports without approval. Second, according to Congressional rules, when specific amounts are specified in authorizing legislation, the Appropriations Committee and its Subcommittees may not appropriate more money than the authorizing legislation allows. Third, appropriating and legislating are considered separate and distinct functions. House Rules prohibit using appropriations bills as vehicles for language that changes or repeals existing law or enacts new law by providing for a "point of order" to be raised against the portion of the appropriations measure that includes this language.²⁹ In the House of Representatives, however, prior to floor consideration of a measure, the Committee on Rules must draft specific rules that set the parameters for debating the bill. These rules, which reflect the interests of the majority, may waive or disallow points of order against appropriating measures. Thus appropriations measures may, and often do, include legislative provisions.³⁰ If such provisions are in conflict with authorizing provisions, the most recently passed bill has precedence.

(2) Accounts: In Congressional appropriations, the account is the most basic unit of appropriations legislation. Accounts are divided into single unnumbered paragraphs in appropriations bills, and each unnumbered paragraph applies to one account alone.³¹ Many Department or Agencies appropriations may be bundled into a single account, and it is not unusual to find agency salaries and expenses funded from a single account. Appropriations bills

²⁸ See the section of the report entitled House International Relations Committee for a detailed account of the committee process. See also Johnson, Charles W. (Parliamentarian, U.S. House of Representatives, hereafter Johnson). How Our Laws Are Made: Revised and Updated September 1999, at <http://thomas.loc.gov/home/holam/txt>.

²⁹ Clause 2, Rule XXI Rules of the House of Representatives—106th Congress.

³⁰ U.S. House of Representatives, Committee on Rules, Majority Office, "Legislating and Appropriating in the House," at http://www.house.gov/rules/legapp_house.htm.

³¹ Numbered paragraphs apply to all accounts in an appropriations bill. Generally, numbered paragraphs provide limitations, legislative provisions, and provisions that apply across the government. See Schick, Chapter 8.

often contain information and instructions about how these funds are to be spent, but most of the detail will be placed in the accompanying Committee report.³²

(3) Reports: Appropriations report language that accompanies House and Conference bills focuses on specific programs, such as those for which the Committee has "earmarked funds" or cases for which it is appropriating more or less than the original proposal. The process of ear marking funds for particular programs often involves heated debates and should never be viewed as a trivial matter. "When a particular item is mentioned by the committee, there is a strong expectation that the agency will adhere to the instructions."³³ If it does not, the Department or Agency may find its appropriations reduced during the next year or find provisions that were originally part of the report inserted into next year's bill as law. Other reports that may apply to appropriations measures include:

(a) Hearing Reports, produced by Committee or Subcommittee staff, record the testimony, questions, and answers from hearings. They are records of events, and the Committee or Subcommittee usually does not vote them out. While they may contain important information, they are not authoritative.

(b) Investigative Reports deal with specific matters, activities, or programs over which the Committee has jurisdiction. If the Committee or Subcommittee issues them they are voted out. If the staff issues them, they may be voted out or released by the Committee or Subcommittee Chair. In the case of appropriations, investigations may be done by the staff or for the Committee by the General Accounting Office and may examine how well a Department or Agency used the BA appropriated for it.

(4) Spending: There are two basic types of spending: *discretionary* and *direct*. Discretionary spending is subject to annual appropriations. The majority of discretionary spending funds government departments and agencies.

About two-thirds of the Federal Budget consists of direct or mandatory spending. Mandatory spending refers to funding for entitlement programs authorized by permanent legislation, and thus not subject to annual appropriations. Mandatory spending covers programs such as Medicare and Medicaid, Social Security, and interest on the debt. Some entitlements are subject to action by the Appropriations Committee annually, but it has little control over them at this point and the money will be made available for them regardless. There has been an increase in the number of direct spending programs in recent years, due in part to Authorizing Committee action to transfer funding authority away from the Appropriations Committee.³⁴ However, it is mostly the result of entitlement growth in social security and health.

(5) Types of Appropriations: Within discretionary spending there are three types of appropriations: Regular—those that occur in the "due-course annual" appropriations process; Supplemental—those that fund emergency requirements; and Continuing—those that fund activities and agencies not provided for in regular appropriations for whatever reason. There are

³² Keith, Robert. Introduction to the Federal Budget Process. Washington, D.C., The Congressional Research Service, 1998 (Report number 98-721 GOV), p. 21.

³³ Keith, Robert. Introduction to the Federal Budget Process. Washington, D.C., The Congressional Research Service, 1998 (Report number 98-721 GOV), p. 22.

³⁴ See also Schick, pp. 123-127.

13 Regular appropriations (one per Subcommittee) each year, while the number of Supplemental and Continuing appropriations vary. As the need arises, Supplemental and Continuing Resolutions are assigned to the appropriate subcommittees for deliberation and mark up. Because these irregular appropriations normally contain funding for several different activities, more than one Subcommittee is usually involved in the process.

Regular appropriations may be annual, multiyear, or no year. Annual appropriations are valid only for the fiscal year for which they are appropriated, while multiyear appropriations have time limits of several years or more. No year appropriations are open-ended appropriations that are in effect indefinitely.

B. Appropriations Committee and Subcommittee Processes:

(1) Initiation of the Annual Appropriations Process: Once Congress receives the President's Budget, it must first adopt a joint budget resolution before either authorization or appropriations committees can take substantive action on it. (See Volume II, Chapter 3 for information on how the President's Budget is prepared.)

The joint budget resolution sets overall totals in the deficit or surplus and provides controls by function. The Joint Budget Resolution allocates spending caps to each committee, and committees cannot exceed these caps without triggering reconciliation or other actions. As noted in the FY 2000 budget, the budget resolution "provides the framework within which congressional committees prepare appropriations and other spending and receipts legislation."³⁵ Once the House Appropriations Committee receives its cap, it must reallocate specific dollar allocations among the Subcommittees. The Chair makes these allocations pursuant to Section 602 of the Omnibus Budget Reconciliation Act of 1990, and in consultation with the Subcommittee Chairs.³⁶

The requirement to remain within the dollar allocations provided by the Chair means, "subcommittees can no longer act independently ... and without regard for the total or how much is available for all subcommittees."³⁷ Overall, one effect of budget caps on the process has been to force the Appropriations Subcommittees to recognize spending limits and coordinate spending plans. Because mark ups are conducted in a zero sum atmosphere, a Subcommittee cannot increase its share of the total unless the additional funding, or offset, comes from another Subcommittee. As one observer notes, this forces programs within a Subcommittee's jurisdiction to compete with one another for funds.³⁸ Witnesses who appear on behalf of Administration programs are aware of the competitive nature of the mark up process and usually come to hearings prepared to market their programs.

(2) Initiation of Appropriations Process in the House: In Congress, appropriations measures traditionally originate in the House of Representatives, although there is no constitutional requirement for them to do so.³⁹ The Appropriations process begins with the

³⁵ FY 2000 Budget, p. 2.

³⁶ Public Law 101-508, Title VI—Budget Agreement Enforcement Provisions (www.thomas.loc.gov).

³⁷ Schick, p. 135.

³⁸ Schick, p. 137.

³⁹ Although the Senate must await the House appropriations measure, Senate Subcommittees begin crafting amendments even before receiving the House bill. Once the Senate Subcommittees receive the House bill, they can modify the underlying

submission of the President's Budget. Once the budget is released, the House Appropriations Committee holds hearings on the budget. Full Committee hearings typically involve senior Office of Management and Budget (OMB) officials who present the Administration's case for the budget, and sources other than the Administration, including the Congressional Budget Office (CBO). As described below, Subcommittees also hold hearings on the specific portions of the budget for which they have jurisdiction, and typically receive testimony from Departments and agencies.

Upon approval of the Budget Resolution, the Committee divides the aggregate figure for discretionary spending established in the Resolution among the 13 Subcommittees. The Subcommittees then begin assembling the appropriations measure funding the agencies within their realm of responsibility. (For Subcommittees' jurisdiction, see paragraph 4.E., above.)

(3) The Subcommittee Process:⁴⁰ Subcommittees assemble appropriations measures using the previous year's appropriations and the President's budget as a guide, increasing or decreasing funding according to their Members' priorities. In other words, most of the Subcommittees' deliberations focus on marginal changes in spending from the present year to the next, rather than major policy debates.⁴¹

Subcommittees begin their activities by reviewing Administration justifications for items in the budget. These justifications are detailed, but emphasize the amount of increase or decrease over the past year's funding. Members and staff will frequently discuss these justifications with Administration officials off line. Members also examine staff and General Accounting Office (GAO) investigations of activities and programs prior to holding hearings. During this and all other phases, OMB submits Statements of Administration Policy (SAPs) to ensure the Subcommittees understand Administration preferences and the extent to which the Administration is willing to go to achieve them. SAPs, however, usually come after House and Senate versions of a bill are married together.

Subcommittees complement this information with additional information gathered from hearings. Hearings are carefully orchestrated between House and Subcommittee staff. The Subcommittee staffs produce witness lists, and witnesses normally provide written copies of their testimony in advance.⁴² Administration witnesses are advocates for the President's Budget, and their testimony is carefully prepared and cleared through OMB. (See Volume II, Chapter 3.) Staff members often recommend lines of questioning and specific questions for Members to use during the hearings. Members' personal staffs often do the same. How much information witnesses reveal that is counter to the Administration's official position depends on the questions they are asked and the skill of the questioners.

Following hearings, the Subcommittee marks up its appropriations measure within Joint Budget Resolution caps. Mark up is a line-by-line review that includes amending the original

language accordingly. In addition, if the House delays passage of its version of the appropriations bill too long, the Senate may craft its own version. See section on Senate Committee on Appropriations in this volume.

⁴⁰ This section is drawn from: U.S. House of Representatives, Committee on Rules, Majority Office, "The Appropriations Process," at http://www.house.gov/rules/approps_proc.htm, and Streeter, Sandy, The Congressional Appropriations Process: An Introduction, CRS Report for Congress (Washington, D.C.: Congressional Research Service, August 3, 1999.)

⁴¹ See Schick, Chapter 7 and Keith.

⁴² Generally, oral testimonies from witnesses summarize their longer written testimonies and both become part of the hearing record.

language (and often the intent) to bring it in line with Subcommittee member preferences. Subcommittees may include "earmarks," or provisions that require certain amounts to be expended for particular projects or activities, although most earmarking is found in the accompanying report. When mark up is complete, the Subcommittee votes on the bill and reports it out to the full Committee. Generally, the full Committee reports out Subcommittee bills to the House floor without amendment. Usually, bills sent to the floor will be accompanied by a written report (prepared by the committee staff) that explains the committee's actions, describes the rewritten bill, and makes arguments for passage.⁴³ Once on the floor, Committee Members will manage the bill during deliberation.

(4) Consideration by the Full House: The House takes up each of the 13 appropriations measure in turn and debates and votes on each as they are reported out. Action on the House floor depends on the rules in effect. Rules specify the amount of time allowed for debate, what amendments can be made to the bill, and whether points of order may be made on the measure (see paragraph 5.A.(1).) Once the full House has voted to accept the rule, the Subcommittee Chair and Ranking Member provide an overview of the appropriation bill in question, which consists of a comparison between the present year's spending levels and those recommended by the Subcommittee for the next fiscal year. The House debates the bill and then begins consideration of each amendment.⁴⁴ After debate, the House votes on each amendment and then on the full appropriations measure as amended. If the House passes the bill, it sends it to the Senate for consideration and action. (See Chapter 7, on the Senate Committee on Appropriations, in this volume.)

(5) Conference: Once the Senate has acted on the House measure, the House and Senate begin conference proceedings to reconcile any differences in their respective versions. Conferences are characterized by intense negotiating sessions between House and Senate staff and between Senators and Members of the House. Generally, the only issues discussed are the Senate amendments to the original House bill. Unamended passages are assumed to be acceptable to the Senate and are not renegotiated.

The conference report that accompanies the bill is an amendment-by-amendment account of the actions of the conference committee with recommendations for how the two houses should vote. It also contains instructions, earmarking provisions, and other information. In order to understand the final bill, Administration Departments and Agencies must consult both the report and the bill. As noted earlier, the report is not legally binding, but Congress expects that the Administration will abide by its provisions.

(6) Actions by Both Chambers: Once agreement is reached in conference, the House and Senate must then vote to approve the reconciled measure. Usually, the House votes first and then sends the measure to the Senate.

(7) Presidential Action: In final form, when passed by both chambers, appropriations bills are sent to the White House for the President's signature. If the President approves the bill, it becomes law. If he vetoes it, it is returned to Congress for changes that make

⁴³ Reports are numbered consecutively, beginning with the first report of a Congress. Thus, although they often are released nearly simultaneously with a bill, Committee report numbers will not correspond to bill numbers.

⁴⁴ In considering the bill and amendments, the House acts as a Committee of the Whole. Once debate and amendment time is over, the Committee of the Whole reconstitutes itself as the House for the vote.

it acceptable to the President or for votes to override his veto. A bill may also become law if the President does not sign it and fails to return it to Congress within 10 days when Congress is still in session.

(8) Structure of Appropriations Bills: Every appropriations bill has three general features: an enactment clause designating the fiscal year; account appropriations and specific account provisions; and provisions that generally apply. General provisions can include limitations on obligations, "legislation" or authorization language, and provisions that apply across the government.⁴⁵

C. Strategy Development:

(1) Major Activities: The Committee has no direct involvement in strategy development. However, through the hearing process described above, the Committee can influence the Administration's choices.

(2) Major Stakeholders: None.

(3) Key Organizational Processes: Hearings.

(4) Associated Higher-Level Processes: Authorization.

(5) Associated Lower-Level Processes: Executive Branch Budget Preparation.
(See Volume II, Chapter 3.)

D. Policy, Guidance, and Regulation:

(1) Major Activities: As House rules do not allow an appropriations measure to include legislative language, the Committee has no formal involvement in policy, guidance, and regulation. Despite the rules, however, legislative provisions (e.g., new laws or changes to existing laws and regulation) find their way into appropriations bills. Limitations on spending, which constitute guidance and attempts to influence policy, are also included (i.e., "except that no funds may be expended for. . ."). Finally, accompanying reports often contain guidance on how appropriated funds may or may not be obligated.

(2) Major Stakeholders: Departments and Agencies.

(3) Key Organizational Processes: Committee and Subcommittee Hearings and
Mark Ups.

(4) Associated Higher-Level Processes: Authorization.

(5) Associated Lower-Level Processes: Executive Branch Budget Preparation.
(See Volume II Chapter 3.)

E. Planning: No involvement.

⁴⁵ Schick, p. 149 and 156.

F. Mission Execution: No involvement.

G. Observation, Orientation, and Oversight:

(1) Major Activities: Reviews spending of departments, agencies, and programs under its jurisdiction. Investigates programs and activities, publishes investigative reports, conducts hearings, and publishes hearing reports.

(2) Major Stakeholders: Departments, Agencies, Program Managers.

(3) Key Organizational Processes: Committee and Subcommittee Hearings and Studies.

(4) Associated Higher-Level Processes: Authorization.

(5) Associated Lower-Level Processes: Executive Branch Budget Preparation. (See section entitled Office of Management and Budget.)

H. Preparation: No Involvement.

I. Resourcing:

(1) Major Activities: The Committee marks and reports to the House 13 Appropriations bills that provide annual (and, under certain conditions, multiyear) funding for all U.S. Government Departments and Agencies and the District of Columbia. The Committee usually also considers at least one supplemental appropriations bill and one continuing resolution each year. (See paragraph 5.)

(2) Major Stakeholders: All Departments and Agencies; Authorization Committees.

(3) Key Organizational Processes: Committee and Subcommittee hearings; Mark Ups; House Senate Conferences.

(4) Associated Higher-Level Processes: Authorization.

(5) Associated Lower-Level Processes: Executive Branch Budget Preparation. (See Volume II, Chapter 3.)

6. Informal National Security Process Involvement.

A. Contacts with Administration Officials: In addition to formal hearings, written testimony, written responses to questions, and SAPs, informal contacts with Administration officials occur throughout the appropriations process. Both Members and staff members hold informal discussions with the Departments and Agencies for which they have jurisdiction. This occurs in much the same way that OMB staff contacts with Departments and Agencies do, and the purpose is to determine true needs and to separate them from nice-to-have programs. These

contacts also provide Appropriators with funding ranges and what must be given up as the amount of funding decreases.

Informal contacts with Administration officials also play a role in "end running" OMB scrutiny or their testimony. Administration officials are constrained to follow the policies and priorities established by the President and overseen by OMB. OMB reviews all official Administration testimony and all formal communications between Committees and Executive Branch officials. Thus, Administration officials cannot volunteer information during hearings. Informal, pre-hearing contacts can help identify questions that will provide information that would not normally be made available.

B. Contacts with Other Members: Appropriations are the primary way that government funding reaches the States. Appropriations may be for civil works projects, government buildings or installations, or contractor programs. Regardless of purpose, Members often seek to initiate, sustain, or increase the amount of funding for their States. If a Member is a member of the Appropriations Committee, the task of ensuring that funds are earmarked for favorite projects is not especially daunting. Generally, the Subcommittees honor requests by their Members and those of other Appropriations Committee Members. For Members who do not serve on the Appropriations Committee, the task is more difficult. Each year the number of requests for earmarks exceeds budget caps, which requires Members on the Subcommittees to make choices among competing requests from their colleagues. The tendency is to ensure that every Member receives at least some of what he/she requests in order to ensure support for the Appropriations bills on the floor and to build alliances for other matters. Attempts to obtain earmarks are characterized by personal negotiations between Members and between their staff representatives.

7. Funding and Personnel.

A. Funding Sources: The House Appropriations Committee is funded through the Legislative Branch Appropriations.

B. Budget: The operating budget for the House Appropriations Committee for FY00 is \$21.095 million.⁴⁶

C. Manpower: The Committee has a total of 61 Members of the majority and minority. Current, total staff numbers were not available. (See paragraph 4, C above.)

8. Observations.

A. Importance of Informal Consultations: From a Department or Agency perspective, informal contacts with Appropriations Committee Members and staff can be helpful in ensuring programs are adequately funded. This is especially important in the zero sum atmosphere brought about by the joint budget resolution. It is also important when implementing report language. Informal contacts may enable a Department or Agency to achieve some latitude in how it implements report provisions.⁴⁷

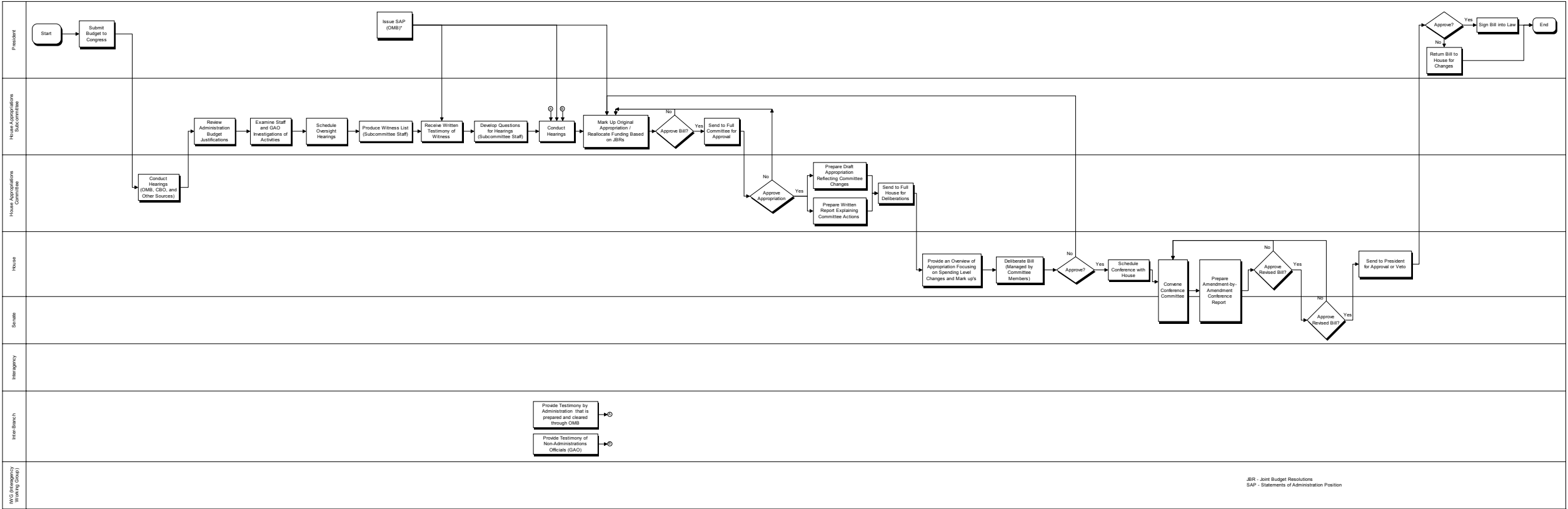
⁴⁶ Phone interview with staff of the Legislative Branch Subcommittee of the Senate Appropriations Committee.

⁴⁷ Schick, p. 162.

B. Using Appropriations to Compel Executive Action: Despite the rules that govern the appropriations and legislative processes, the House, and legislative branch as a whole, has great latitude in amending those processes to meet its objectives. For example, the House may pass legislation that amends existing rules so as to use appropriations measures to legislate changes to existing laws that affect national security. Or, it may carefully craft appropriating language so as to compel the Administration to make changes in policy nonetheless. Depending on the relationship between the Legislative and Executive Branches, and the relative power of the majority over the minority, appropriating measures may prove powerful tools for the Legislative Branch in influencing the Executive.

APPENDICES

House Appropriations Committee - Key Process - (Formal) - Appropriations



* SAP can be sent at any time.

JBR - Joint Budget Resolutions
SAP - Statements of Administration Position

ORGANIZATIONAL DESCRIPTION

HOUSE COMMITTEE ON ARMED SERVICES



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

House Committee on Armed Services (HASC)

Overview

The House Committee on Armed Services (HASC) is an authorizing committee, which considers virtually all legislation pertaining to U.S. defense, military forces, military procurement, and military research and development. Specifically, its jurisdiction includes:

- Ammunition depots; forts; arsenals; and Army, Navy, and Air Force reservations and establishments;
- Common defense;
- Conservation, development, and use of naval petroleum and oil shale reserves;
- The Department of Defense generally, including the Departments of the Army, Navy, and Air Force, generally;
- Interoceanic canals generally, including measures relating to the maintenance, operation, and administration of interoceanic canals;
- Merchant Marine Academy and State Maritime Academies;
- Military applications of nuclear energy;
- Tactical intelligence and intelligence-related activities of the Department of Defense;
- National security aspects of merchant marine, including financial assistance for the construction and operation of vessels, maintenance of the U.S. shipbuilding and ship repair industrial base, cabotage, cargo preference, and merchant marine officers and seamen as these matters relate to the national security;
- Pay, promotion, retirement, and other benefits and privileges of members of the armed forces;
- Scientific research and development in support of the armed services;
- Selective service;
- Size and composition of the Army, Navy, Marine Corps, and Air Force;
- Soldiers' and sailors' homes; and
- Strategic and critical materials necessary for the common defense;

As an authorizing committee, the HASC has influence over the organization and structure, roles, responsibilities, and the amount of funding for activities that come within its scope of authority. It conducts hearings and authors legislation and reports on matters within its jurisdiction. As with most House Committees, the HASC plays an important role in selecting which legislative proposals within its jurisdiction will receive consideration by the full House. In this role the Committee:

- Schedules legislation for consideration;
- Conducts hearings and studies;
- Marks up the proposed bills and resolutions;
- Amends and votes on them at the Subcommittee and Committee level;
- Reports them to the full House;
- Participates in conferences with Members of the House of Representatives;
- Reports to the House joint bill/resolutions arrived at in conference with the Senate;
- Manages enactment of joint bills/resolutions on matters within its jurisdiction; and
- Provides oversight of matters enacted into law.

Committee and Subcommittee Chairs exercise a great deal of authority throughout.

Organization

The Committee is a standing committee under House rules. It currently consists of 60 members, 32 Republicans and 28 Democrats, and is supported by a professional staff of 29. It is organized into five Subcommittees and two panels. Subcommittees conduct hearings and mark up legislation on the issues within their jurisdiction. They are permanent organizations. Panels are empowered to receive testimony, conduct inquiries, and exercise oversight over specific issues, but may not mark up legislation. Panels are established by the Committee Chair for a renewable period of six months. The Subcommittees are:

- Military Installations and Facilities;
- Military Personnel;
- Military Procurement;
- Military Readiness; and
- Military Research and Development.

Currently, the two oversight panels of the HASC are:

- Morale, Welfare, and Recreation; and
- Merchant Marine.

Major Organizational Products

The Committee's products are marked-up legislation, hearings, and reports. The principal legislative product of the HASC is the annual Defense Authorization. The HASC also provides oversight of the activities of the Executive Branch agencies within its realm of responsibilities (e.g., the Department of Defense, the Military Services, the defense agencies, and certain activities of the Department of Energy.)

Role in Formal and Informal National Security Processes

The matrix below summarizes the Committee's role in national security:

		Strategy Development	Policy, Guidance, and Regulations	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing
Products	Hearing Reports	✓	✓			✓	✓	✓
	Bill/Resolution Report	✓			✓	✓		✓
	Committee/Staff	✓				✓		✓
	Conference Report	✓				✓		✓
	Subpoenas					✓		✓
	Committee	✓				✓		✓
Roles	Advice and Consent	✓	✓	✓	✓	✓	✓	✓

Strategy Development. The Committee and its Subcommittees can influence Executive Branch strategy development in a number of ways. They can hold hearings and prepare hearing reports and staff reports that highlight important strategic issues. They can also draft authorization bills and bills that affect various defense activities of the U.S. Government (such as military procurement and research and development) that can limit the Administration's strategic options.

Similarly, the HASC can influence strategic development by the amount of funding it makes available for various Administration agencies and activities. It can influence Senate actions along these lines through conferences and reports. Through management of House floor debates and introduction of Committee amendments, it can affect the final shape of the legislation it reports to the full House for consideration.

Policy, Guidance, and Regulation. Through hearings and hearing reports, the Committee can affect Administration policy options and regulatory measures. For example, in 1985, the HASC

marked-up legislation, later passed and signed into law as the Goldwater-Nichols Act, that reorganized the Department of Defense, giving greater authority to the Chairman of the Joint Chiefs of Staff, among other innovations.

Planning. Although the Committee has no direct role in national security planning, it can influence the Executive Branch by conducting closed hearings and commenting on the Administration's plans. It can also expand or restrict the latitude of the Administration with respect to specific issues by reporting out and working to pass legislation that sets specific guidelines for the Executive Branch with respect to specific issues. For example, the HASC marked up legislation, later passed by both chambers and signed into law, that mandates the deployment of national missile defenses.

Mission Execution. The HASC has no involvement over mission execution, although it can influence how the Administration manages ongoing missions through hearings and legislation that restricts or supports specific undertakings. For example, the HASC may mark up legislation authorizing supplemental funding to sustain troops involved in a military intervention.

Observation, Orientation, and Oversight. The Committee exercises its oversight authority through hearings, investigations, and inquiries. It orients the Executive Branch through hearing and investigative reports.

Preparation. The HASC may influence the way in which Executive Branch agencies prepare by writing specific requirements for training or acquisition into law. For example, the Committee may specify certain requirements for basic training for male and female recruits. The HASC may also specify how many particular systems the Defense Department may acquire in a specific time period.

Resourcing. All the Committee's activities have resource implications, especially in marking up the annual Defense Authorization legislation that provides guidelines for the Appropriation Committee in appropriating funds.

Informal processes involve primarily Member contact with Administration officials and Committee staff contact with Executive Branch staff. Individual Members and Committees also issue press releases about issues, focusing the public's attention on them in an attempt to influence the Administration.

Observations

Given the overwhelming number of legislative proposals generated in Congress each year, the Committee system acts as a funnel to ensure that only the most significant are brought to the House floor for consideration. Delays and failures are usually the result of political considerations, not the system *per se*.

Hearings are powerful tools and often serve as a focal point for key national security debates. They highlight issues and generate support, and the resulting bills and resolution reports can produce significant changes. For example, Authorization bills and accompanying reports can require Executive Branch agencies to report on programs, processes, and procedures; reduce or increase the authorized funding; and earmark funds for particular purposes.

By reporting bills out of Committee, the Committee can affect Administration policy, organizational structures of the Department of Defense and related organizations, and the resourcing of some Executive Branch activities.

The Committee Chair controls Committee processes through personal interaction with other Members and by control over Committee staff. Although they must compromise with Ranking Members in many cases to ensure passage of a particular piece of legislation in Committee, the Chair has great latitude in scheduling legislation for consideration and calling hearings.

The power and influence of Congressional Committees depends on a unique blend of five factors: Committee jurisdiction; the issue under consideration; the politics surrounding that issue; the personal position, influence, and demeanor of the Chair; and Committee norms and traditions. Depending on circumstances, any one of these factors may prevail for a given event. For example, if the issue under consideration is one that threatens national security, then the issue will have priority over politics, jurisdiction, the Chair, and the way matters have been handled traditionally. Or, if the nation is concerned about an issue, then political considerations may predominate.

ORGANIZATIONAL DESCRIPTION

HOUSE COMMITTEE ON ARMED SERVICES

1. Legal Specifications, Authorizations, and Responsibilities.

Authorization: Committees are creations of Congress, for which there is no requirement in the U.S. Constitution or U.S. Code. Congress establishes Committees to organize itself to carry out its constitutional responsibilities. House Rules X and XI govern the organization and procedures of House Committees. Additionally, at the beginning of every Congress, each Committee adopts rules of procedures that are generally consistent with House rules but may provide additional detail on the means by which the Committee will discharge its responsibilities.¹

2. Missions/Functions/Purposes.

A. Major Responsibilities: The Committee on Armed Services (HASC) has jurisdiction over the following matters:²

(1) Ammunition depots; forts; arsenals; and Army, Navy, and Air Force reservations and establishments [Key Process Relation: Policy, Guidance, and Regulation; Observation, Orientation, and Oversight; Resourcing];

(2) Common defense generally [Key Process Relation: Strategy Development, Policy, Guidance, and Regulation; Observation, Orientation, and Oversight; Resourcing];

(3) Conservation, development, and use of naval petroleum and oil shale reserves [Key Process Relation: Policy, Guidance, and Regulation; Observation, Orientation, and Oversight; Resourcing];

(4) The Department of Defense generally, including the Departments of the Army, Navy, and Air Force, generally [Key Process Relation: Policy, Guidance, and Regulation; Observation, Orientation, and Oversight; Resourcing];

(5) Interoceanic canals generally, including measures relating to the maintenance, operation, and administration of interoceanic canals [Key Process Relation: Policy, Guidance, and Regulation; Observation, Orientation, and Oversight; Resourcing];

(6) Merchant Marine Academy and State Maritime Academies [Key Process Relation: Policy, Guidance, and Regulation; Observation, Orientation, and Oversight; Resourcing];

¹ Sachs, Richard C. and Carol Hardy Vincent. Hearings in the House of Representatives: A Guide for Preparation and Conduct. CRS Report to Congress. (Washington, D.C.: Congressional Research Service, August 10, 1999).

² The following is drawn from: Rules of the House of Representatives—106th Congress, Rule X: Organization of Committees, Committees and Their Legislative Jurisdictions.

(7) Military applications of nuclear energy [Key Process Relation: Policy, Guidance, and Regulation; Observation, Orientation, and Oversight; Resourcing];

(8) Tactical intelligence and intelligence-related activities of the Department of Defense [Key Process Relation: Policy, Guidance, and Regulation; Observation, Orientation, and Oversight; Resourcing];

(9) National security aspects of merchant marine, including financial assistance for the construction and operation of vessels, maintenance of the U.S. shipbuilding and ship repair industrial base, cabotage, cargo preference, and merchant marine officers and seamen as these matters relate to the national security [Key Process Relation: Policy, Guidance, and Regulation; Observation, Orientation, and Oversight; Resourcing];

(10) Pay, promotion, retirement, and other benefits and privileges of members of the armed forces [Key Process Relation: Policy, Guidance, and Regulation; Observation, Orientation, and Oversight; Preparation; Resourcing];

(11) Scientific research and development in support of the armed services [Key Process Relation: Policy, Guidance, and Regulation; Observation, Orientation, and Oversight; Resourcing];

(12) Selective service [Key Process Relation: Policy, Guidance, and Regulation; Observation, Orientation, and Oversight; Preparation; Resourcing];

(13) Size and composition of the Army, Navy, Marine Corps, and Air Force [Key Process Relation: Policy, Guidance, and Regulation; Observation, Orientation, and Oversight; Preparation; Resourcing];

(14) Soldiers' and sailors' homes [Key Process Relation: Policy, Guidance, and Regulation; Observation, Orientation, and Oversight; Resourcing];

(15) Strategic and critical materials necessary for the common defense [Key Process Relation: Policy, Guidance, and Regulation; Observation, Orientation, and Oversight; Preparation; Resourcing].

B. Subordinate Committees: House Rules allow each Committee to form no more than five subcommittees to consider and report bills on matters of jurisdiction.³ The HASC has five subcommittees (see paragraph 4.E. for Subcommittee membership and jurisdiction):

(1) Military Installations and Facilities;

(2) Military Personnel;

(3) Military Procurement;

(4) Military Readiness; and

³ Vincent, Carol Hardy. Committee Types and Roles. CRS Report for Congress. (Washington, D.C.: Congressional Research Service, May 11, 1998.)

(5) Military Research and Development.

In addition, the Committee Chair has established two panels composed of Committee Members to explore issues related to morale, welfare, and recreation of military personnel, and merchant marine issues. The panels are not permanent, and must be reauthorized by the Chair after six months of work.⁴

C. Major Products: The HASC produces hearing reports, bill and resolution reports, committee and staff investigative reports, conference reports, and committee amendments for legislation under consideration on the floor of the House. As an authorizing committee, the HASC recommends funding levels for U.S. government operations and for new and existing programs.

3. Vision and Core Competencies.

A. Vision: There is no published vision statement. Typically, Committees agendas and operations reflect the views and priorities of the Committee and Subcommittee Chairs.

B. Core Competencies: The core competencies of the HASC are legislation and oversight pertaining to U.S. national security matters and the operations of the Department of Defense and the Military Services.

4. Organizational Culture.

A. Values: There are no published values.

B. Leadership Traditions: Committee and Subcommittee Chairs, selected in accordance with party rules, have a great deal of influence over a Committee's operating procedures. They also influence the legislative agenda of the Committee, selecting among the various pieces of legislation referred by the Subcommittees those the Committee will consider. Finally, Chairs have significant authority over which bill will be reported out of Committee for action on the House floor. Committee Chairs are selected by the majority party based on several considerations, including seniority, expertise on the issues, and how well they will represent the majority party's interests in the role of Chair. The Chair also determines the working relationship between the majority and minority on the Committee, usually by establishing a good relationship with the Ranking Minority Member. Although the authority of the Chair is undisputed, most Chairpersons will seek to establish a cooperative relationship with the minority.

C. Staff Attributes: The Committee is supported by a majority staff and a minority staff, each headed by a staff director who reports to the Chair and Ranking Member respectively. Each staff member owes his position to the Committee Chair or Ranking Member who approve all staff appointments. When the Chair or Ranking Member change, their successors are likely to bring in at least a few new staff members. If the balance in the chamber as a whole changes, the staff turnover will be greater because the new majority party will appoint additional staff members over and above those they already have, and the new minority party will release staff to

⁴ House Armed Services Committee Rules of the 106th Congress, from the Committee website, <http://www.house.gov/hasc/rules.htm> (henceforth, HASC Rules of the 106th Congress.)

bring their total staff levels into line with the rules. Committee staff come from a variety of backgrounds and includes attorneys, academics, and those with firsthand experience in foreign relations. Successful staffers have both functional and procedural expertise.

House Rule XI governs the appointment of House Committee staffs. It specifies that each Committee, except for the Committee on Appropriations, may have no more than 30 professional staff members, one-third of which may be assigned to work for the minority as determined by majority vote. The minority party is temporarily allowed an additional slot when there are no vacant slots among the 30.⁵ The HASC currently has 29 professional staff members.⁶

D. Strategy: The Committee and Subcommittee strategies reflect the strategies of the Chairs and political parties. There is no published strategy statement. The Committee's Oversight Plan, mandated by House Rule X, lists the issues over which the Committee plans to exercise oversight in the 106th Congress. They include: acquisition reform, environmental programs, force readiness, industrial and technological base, information assurance, intelligence, merchant marine, military applications of nuclear energy, military modernization, morale, welfare, and recreation programs, national military strategy and force structure, organization and management of the Department of Defense, people and quality of life, technology transfer and export controls.

E. Organization: In the House of Representatives, Members can serve on a maximum of two standing Committees and four Subcommittees of those standing Committees.⁷ Republicans and Democrats designate some Committees as "exclusive." Members appointed to exclusive Committees may not serve on any other Committee except for the Budget Committee or the Oversight Committee. Examples of exclusive Committees are the Committee on Appropriations, the Committee on Rules, Committee on Commerce, and the Committee on Ways and Means. Each political party has additional rules for determining the number of Committees on which a member may serve. Democrats, for example, do not allow Members to sit on more than one standing committee.⁸

Committee membership is determined by each political party based on leadership recommendations and according to party procedures.⁹ Both Republicans and Democrats have established Steering Committees to make recommendations respectively to the Republican Conference and Democratic Caucus regarding Committee assignments for current and incoming members. For both parties, a number of considerations influence Committee assignments,

⁵ Bach, Stanley and Carol Hardy Vincent. House Rules Affecting Committees, CRS Report for Congress. (Washington, D.C.: Congressional Research Service, March 13, 1997.)

⁶ Telephone interview with Committee staff assistant, November 29, 1999.

⁷ Standing Committees are permanent Committees that have specific legislative jurisdiction outlined in the House Rules and that can recommend funding levels (authorizations). Select Committees are created by resolution by the House or Senate to conduct specific investigations or studies when a standing Committee is not organized to address a particular issue. They can be permanent or temporary. Joint Committees include members of the House and Senate and are concerned with conducting studies rather than considering legislation.

⁸ Schneider, Judy. House Committees: Categories and Rules for Committee Assignments, CRS Report for Congress. (Washington, D.C.: Congressional Research Service, February 20, 1998.) (Henceforth, Categories and Rules for Committee Assignments.)

⁹ There is one Independent Member in the House of Representatives who votes with the Democratic party most of the time and receives his committee assignments from the Democratic Party.

including a Member's seniority, background, ideology, the strength of his or her state delegation in the House, the Member's relationship with the party leadership, and the Member's reelection potential.¹⁰ Generally, the leadership will assist a Member facing a strong challenger from another party by assigning that Member to an influential Committee from which the Member may affect the interests of his or her constituency.

The leadership of the two political parties negotiate the size of each Committee and the ratio of the majority to the minority in each Committee prior to each new Congress and immediately after election results are available. Committee sizes generally remain constant, although special elections or other unforeseen circumstances may affect a Committee's membership. The HASC has a total of 60 members, 32 Republicans and 28 Democrats. The Committee is supported by a majority and minority staff as described in paragraph 4.C.

The Committee is organized into five subcommittees as described in paragraph 2.B. The Committee Chair, in consultation with the majority party committee members, selects Subcommittee Chairs. A similar practice is followed by the Minority in selecting Ranking Members.

In the HASC, Subcommittees do not have their own majority or minority staffs. Rather, majority and minority staffs of the Committee as a whole specialize in specific issues covered by the various Subcommittees and are consulted by Members depending on their specific information needs. Subcommittees are authorized to "meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it" by the Committee Chair.¹¹ The Committee Chair also has established two special panels to conduct inquiries and receive testimony on morale, welfare, and recreation issues, and on merchant marine issues. These panels are established for a period of six months unless renewed by the Chairman.¹²

HASC membership of the 106th Congress is shown below.

¹⁰ Categories and Rules for Committee Assignments.

¹¹ HASC Rules of the 106th Congress.

¹² HASC Rules of the 106th Congress.

HOUSE ARMED SERVICES COMMITTEE

Republicans (32)	Democrats (28)
Floyd D. Spence (SC)—Chairman Bob Stump (AZ)—Vice Chairman Duncan Hunter (CA) John R. Kasich (OH) Herbert H. Bateman (VA) James V. Hansen (UT) Curt Weldon (PA) Joel Hefley (CO) Jim Saxton (NJ) Steve Buyer (IN) Tillie K. Fowler (FL) John M. McHugh (NY) James Talent (MO) Terry Everett (AL) Roscoe G. Bartlett (MD) Howard "Buck" McKeon (CA) J.C. Watts, Jr. (OK) Mac Thornberry (TX) John N. Hostettler (IN) Saxby Chambliss (GA) Van Hilleary (TN) Joe Scarborough (FL) Walter B. Jones, Jr. (NC) Lindsey O. Graham (SC) Jim Ryun (KS) Bob Riley (AL) Jim Gibbons (NV) Mary Bono (CA) Joseph Pitts (PA) Robin Hayes (NC) Steven Kuykendall (CA) Donald Sherwood (PA)	Ike Skelton (MO)—Ranking Member Norman Sisisky (VA) John M. Spratt (SC) Solomon P. Ortiz (TX) Owen Pickett (VA) Lane Evans (IL) Gene Taylor (MS) Neil Abercrombie (HI) Martin T. Meehan (MA) Robert T. Underwood (Guam) Patrick J. Kennedy (RI) Rod R. Blagojevich (IL) Silvestre Reyes (TX) Tom Allen (ME) Victor F. Snyder (AR) Jim Turner (TX) Adam Smith (WA) Loretta Sanchez (CA) James H. Maloney (CT) Mike McIntyre (NC) Ciro Rodriguez (TX) Cynthia McKinney (GA) Ellen Tauscher (CA) Robert Brady (PA) Robert E. Andrews (NJ) Baron P. Hill (IN) Mike Thompson (CA) John B. Larson (CT)

The Committee is organized into Subcommittees as described above. Subcommittee membership and a brief description of each Subcommittee's responsibilities follow.

(1) Subcommittee on Military Installations and Facilities:

Republicans (10)	Democrats (8)
Joel Hefley—Chairman Tillie Fowler John McHugh Howard "Buck" McKeon John N. Hostettler Van Hilleary Joe Scarborough—Vice Chairman Bob Stump Jim Saxton Steve Buyer	Gene Taylor—Ranking Member Solomon P. Ortiz Neil Abercrombie Robert T. Underwood Silvestre Reyes Victor F. Snyder Robert Brady Mike Thompson

The Subcommittee on Military Installations and Facilities is responsible for legislation on and oversight of military construction; real estate acquisition and disposals; housing and support; base closure; and related legislative oversight.¹³

(2) Subcommittee on Military Personnel:

Republicans (10)	Democrats (8)
Steve Buyer—Chairman Roscoe Bartlett J.C. Watts, Jr. Mac Thornberry Lindsey O. Graham—Vice Chairman Jim Ryun Mary Bono Joseph Pitts Robin Hayes Steven Kuykendall	Neil Abercrombie—Ranking Member Martin T. Meehan Patrick J. Kennedy Loretta Sanchez Cynthia McKinney Ellen Tauscher Mike Thompson John B. Larson

The Subcommittee is responsible for legislative action on and oversight of military forces and authorized strengths; integration of active and reserve components; military personnel policy; compensation and other benefits; and related legislative oversight.¹⁴

¹³ HASC Rules of the 106th Congress.

¹⁴ HASC Rules of the 106th Congress.

(3) Subcommittee on Military Procurement:

Republicans (15)	Democrats (13)
Duncan Hunter—Chairman Floyd D. Spence Bob Stump James V. Hansen Jim Saxton James Talent Terry Everett J.C. Watts, Jr. Mac Thornberry—Vice Chairman Lindsey O. Graham Jim Ryun Jim Gibbons Mary Bono Joseph Pitts Robin Hayes	Norman Sisisky—Ranking Member Ike Skelton John M. Spratt Lane Evans Rod R. Blagojevich Tom Allen Jim Turner Adam Smith James H. Maloney Mike McIntyre Cynthia McKinney Ellen Tauscher Robert Brady

The Subcommittee on Military Procurement is responsible for the annual authorization for procurement of military weapon systems, including full-scale development of systems and for legislative initiatives regarding the military applications of nuclear energy. It conducts oversight on related matters.¹⁵

(4) Subcommittee on Military Readiness:

Republicans (12)	Democrats (10)
Herbert H. Bateman—Chairman Saxby Chambliss Walter B. Jones—Vice Chairman Bob Riley Duncan Hunter James V. Hansen Curt Weldon Tillie Fowler James Talent Terry Everett Jim Gibbons Donald Sherwood	Solomon P. Ortiz—Ranking Member Norman Sisisky John M. Spratt Owen Pickett Robert T. Underwood Rod R. Blagojevich Adam Smith James H. Maloney Mike McIntyre Ciro Rodriguez

The Subcommittee on Military Readiness is responsible for the annual authorization for operation and maintenance activities of the Department of Defense; the readiness and preparedness requirements of the defense establishment; and related legislative oversight.¹⁶

¹⁵ HASC Rules of the 106th Congress.

¹⁶ HASC Rules of the 106th Congress.

(5) Subcommittee on Military Research and Development:

Republicans (15)	Democrats (14)
Curt Weldon—Chairman Roscoe Bartlett Steven Kuykendall Donald Sherwood John R. Kasich Herbert H. Bateman Joel Hefley John M. McHugh John N. Hostettler—Vice Chairman Howard "Buck" McKeon Saxby Chambliss Van Hilleary Joe Scarborough Walter B. Jones Bob Riley	Owen Pickett—Ranking Member Gene Taylor Martin T. Meehan Patrick J. Kennedy Silvestre Reyes Tom Allen Victor F. Snyder Jim Turner Loretta Sanchez Ciro Rodriguez Robert E. Andrews Baron P. Hill John B. Larson

The HASC includes the following two panels:

(1) Morale, Welfare and Recreation Panel:

Republicans (10)	Democrats (8)
John M. McHugh—Chairman Bob Stump Herbert H. Bateman Roscoe Bartlett J.C. Watts, Jr. Saxby Chambliss Joe Scarborough Walter B. Jones Bob Riley—Vice Chairman Robin Hayes	Martin T. Meehan—Ranking Member Norman Sisisky Solomon P. Ortiz Owen Pickett Robert T. Underwood Silvestre Reyes Robert E. Andrews (vacancy)

The panel is empowered to examine "nonappropriated fund activities" within the Department of Defense, including commissaries and exchanges. The panel has no legislative authority.

(2) Merchant Marine Panel:

Republicans (7)	Democrats (5)
Herbert H. Bateman—Chair Duncan Hunter Curt Weldon Jim Saxton Joe Scarborough Walter B. Jones Steven Kuykendall—Vice Chairman	Robert T. Underwood—Ranking Member Gene Taylor Neal Abercrombie Tom Allen James H. Maloney

The panel has oversight responsibility for issues related to the Merchant Marine.¹⁷

5. Formal National Security Process Involvement.

A. Overview of the Legislative, Committee, and Subcommittee Processes:

(1) Formal Legislative Process:¹⁸ Legislation can be introduced either in the House or Senate, except for appropriation bills, which traditionally originates in the House. Sometimes, similar, or "companion," bills are introduced simultaneously in both chambers. Legislative proposals take the form of bills, which are the typical vehicle for legislation; joint resolutions, which include a preamble preceding the legislative language; concurrent resolutions, which are not legislative in nature but express the opinions of the House and Senate on specific matters; and simple resolutions, which usually address the operations of the House or Senate. Bills and joint resolutions become law when both chambers approve them and the President signs them. Concurrent and simple resolutions do not result in law.

Ideas for legislation originate from different sources. They may result from a Member's own idea, an idea originating from Member's constituent, from an Executive Agency proposal, or a proposal made by the President during the State of the Union address.

In the House of Representatives, the legislative process begins when a Member formally introduces legislation. The Member sponsoring the bill may be joined by an unlimited number of co-sponsors from one or both parties, and the bill may continue to pick up sponsors after its introduction until the time it has been reported out of the last Committee with jurisdiction over it.

After introduction, the bill is assigned a number and printed in the Congressional Record. The Speaker, or the Presiding Officer in the Speaker's absence, refers the bill to the appropriate Committees with jurisdiction over the matter addressed by the bill. A bill may be referred to only one Committee or to multiple Committees simultaneously when jurisdiction for a particular issue overlaps—in the latter case, however, the Speaker must identify the Committee with primary jurisdiction. The bill may also be referred to one Committee first, which is required to act within a specific amount of time, and then to other Committees sequentially. Finally,

¹⁷ HASC Rules of the 106th Congress.

¹⁸ The following paragraphs are based on Charles W. Johnson, Parliamentarian, U.S. House of Representatives. "How Our Laws Are Made," Revised and Updated September 1999, at <http://thomas.loc.gov/home/holam.txt>.

different portions of a bill may be referred to different Committees at the same time, in a procedure known as split referral. Referral to Committee does not mean the bill will receive consideration. In fact, the majority of legislation referred to Committee is never acted upon. When this happens, the matter may be dropped, or it may be reintroduced at the next session.

Whether a bill is considered often depends on who sponsors and co-sponsors it and their relationship with the Chair. If several Committee members co-sponsor a bill, it has a better chance of moving through the Committee process, for example. If the sponsor and the Committee Chair are of the same party, the bill will have a better chance. If the sponsor and the Chair are of different parties and the bill does not have bipartisan co-sponsorship, the bill may still receive a hearing, but its likelihood of passage will not be high.

Upon receiving a bill, a Committee Chair may refer it to one or more Subcommittees or deal with the legislation at the full Committee level.¹⁹ In considering legislation, the Committee or Subcommittee Chair use essentially the same procedures. The Chair will first ask for written comments from the Executive Branch. It will then hold hearings in which witnesses provide both written and oral testimony. Based on the outcome of these initial steps, the Committee or Subcommittee will "mark up" the bill or resolution—that is a line-by-line review that includes amending the original language (and often the intent) to bring it in line with Committee and other Members' preferences. Mark ups may be open to the public, or, if classified information is discussed, they may be closed. As a rule, most of the line-by-line review is done by the staff who identifies key passages and recommend alternative language and other amendments.

If the Subcommittee marked up the bill first, it will then refer it to the full Committee. Here, if the Committee Chair elects to consider the bill, it goes through a similar mark up (including introduction of amendments by Committee members) and is voted on by the entire Committee. Once the Committee approves the bill by a simple majority vote, the Committee staff prepares a draft of the bill that reflects Committee changes, which is sent to the full House for deliberation.

Bills sent to the floor are accompanied by a written report (prepared by the Committee staff) that explains the Committee's actions and intent, describes the rewritten bill, and makes arguments for passage.²⁰ Members voting in the minority on a bill that is reported out of Committee may also provide a written report that states their views. Once on the floor, Committee members manage debate on the bill. The Committee staff assists floor managers by building support with the staff of Members who are not members of the Committee, preparing floor remarks, and overseeing additional amendments, including Committee amendments offered by the Chair to offset the effects of other floor amendments.

¹⁹ Not all Committee Chairs allow Subcommittees to mark up legislation. This is not the case for the House Armed Services Committee, where Subcommittees may conduct mark ups on legislation referred to them by the Committee Chair.

²⁰ There are at least three different types of reports and each has different affects on Executive Branch Departments and Agencies. Committee staff members prepare the first type of report. While it may convey important information, it is not authoritative. The second type is the report that accompanies a House (or Senate) version of a bill. This report is primarily explanatory and lays out reasoning for the bill that is under consideration on the floor. The third type of report is the conference report, which is issued by both chambers jointly following conference deliberations. The language and requests for information in this report are, by custom and tradition, often honored by Executive Branch organizations, even though it is not law. Not abiding by it may cause the Member who inserted it in the first place to include it in law the following year, perhaps with more stringent requirements.

Once the entire House has passed a bill, it is scheduled for conference with the Senate to reconcile differences between the two versions.²¹ The majority and minority leadership of the House and Senate choose a select number of Members to participate in the Conference Committee on a specific bill, typically selecting a number of Members from the referring Committee. The majority of differences between the House and Senate versions of the bill are worked out by the staff; however, Conference Committee members are personally involved with important issues that defy staff resolution. At the conclusion of the conference, either the House or the Senate prepares the conference report (usually this task alternates between the two chambers) and the reconciled bill is returned to each chamber for passage.

When both chambers pass the bill, it is sent to the White House for the President's signature (or veto.) If the President signs the bill, it becomes law. If the President vetoes the bill, it is returned to the House and Senate, where it can be put to a vote again. If the bill passes both chambers with a two-thirds majority, it becomes law. A Bill can also become a law in 10 days if it is not returned and not signed and if Congress is still in session. Once the bill becomes law, the Committee has oversight responsibility to ensure the Executive Branch adheres to its provisions.

(2) Hearings:²² Hearings are the principal means by which Committees and Subcommittees collect information to support their legislative activities. There are different types of hearings: oversight hearings, designed to examine the implementation of policies by the Executive; investigative hearings, which examine allegations of wrongdoing; and, in the case of the Senate, confirmation hearings, which review the qualifications of individuals nominated by the Administration for senior Executive Branch positions. Hearings are one of the most visible and effective formal methods for Committees to influence the seven key processes.

Typically, hearings begin in the appropriate Subcommittee; however, they also occur at meetings of the full Committee. Both parties may recommend witnesses, and all Members may question them for specified periods of time, depending on the rules that are in force. Hearings may be supplemented by staff research. Occasionally, this research will take on the proportions of a major study (e.g., the staff study that accompanied the Goldwater-Nichols Act of 1986, which reformed the Department of Defense.)

In addition to hearings on bills, Committees and Subcommittees hold hearings for other reasons that include spotlighting particular issues. This type of hearing may include oversight hearings and focus on a particular issue, program, or Executive Branch action in relation to the appropriate law. Hearings may be held as a way of scrutinizing Administration actions or pressuring the Administration to act in certain ways. For example, the HASC held hearings in 1998 questioning U.S. military readiness and called a number of former senior military officials to testify about the state of U.S. military forces. These hearings led to increased emphasis by the

²¹ In the case of most authorization bills, the Senate and House begin work on them independently, but almost simultaneously. Although informal contacts may keep members apprised of what the other chamber is doing, there is no formal collaboration until the conference. For appropriations measures, the Senate normally awaits the House version, then amends that bill. The amended appropriations bill becomes the basis for the conference.

²² Information sources on hearings include: Richard Sachs, Types of Committee Hearings, CRS Report for Congress, (Washington, D.C.: Congressional Research Service, March 30, 1999) and Richard C. Sachs and Carol Hardy Vincent, Hearings in the House of Representatives: A Guide for Preparation and Conduct, CRS Report for Congress, (Washington, D.C.: Congressional Research Service, August 10, 1999.)

Administration on the requirements of readiness, resulting in a hearing in 1999 at which Service Chiefs explicitly acknowledged readiness problems.²³

Committee and Subcommittee Chairs have broad latitude in structuring hearings regardless of type. They decide on witnesses and they often organize or "stage manage" proceedings so that testimony supports their position. Usually, Members from the minority party will have some latitude to negotiate their own witnesses, and/or they may treat those witnesses chosen by the majority in a hostile manner. In the House, a Committee requires a quorum of at least two members to conduct a hearing.

Committee staffs often prepare packets prior to hearings that include copies of the witnesses' written testimony and suggested lines of questioning. Separate packets are often prepared for majority and minority Members and reflect Chair (or Ranking Member) and party views. In the House, hearings follow a standard format: opening statements from the Chair and Ranking Member, introduction of witnesses and, in investigative hearings, their swearing in, oral testimony by witnesses, and questioning of witnesses by Members present. After the hearing, the staff may draft a summary of testimony (see subparagraph (3)(a) below); in addition, Committees typically print transcripts in the Congressional Record.

(3) Reports: Reports provide information, instructions, and rationale for Committee decisions. There are several types of reports:

(a) Hearing Reports: These are produced by Committee or Subcommittee staff to record testimony, questions, and answers from hearings. They are records of events, and the Committee or Subcommittee usually does not vote on them. While they contain important information, they are not authoritative.

(b) Reports that Accompany Legislative Actions: These are primarily informational and explanatory. They may contain directions for Executive Branch activities, such as a requirement to conduct an investigation or prepare a report. These directions are not legally binding, but are often honored by custom and tradition. The alternative to honoring report directives is to risk having them included in law the following year, perhaps with more stringent requirements. For example, a Department that does not honor a report direction for a semiannual report to Congress may find that the next year's authorizing legislation requires a quarterly submission.

(c) Investigative Reports: Such reports deal with specific matters, activities, or programs over which the Committee has jurisdiction. If the Committee issues them they are voted out. If the staff issues them, they may be voted out or released by the Committee Chair.

(d) Conference Reports: Conference reports describe the reconciliation agreements made by conference committees concerning specific legislation. Conference reports contain requests and directives that, while not law, are customarily honored. Either the House or the Senate, usually on a rotating basis prepares them, and they accompany the reconciled legislation to each chamber. The conference committee votes these reports out.

²³ House Armed Services Committee Hearing on the Fiscal Year 2000 National Defense Authorization Budget Request, February 24, 1999.

		Strategy Development	Policy, Guidance, and Regulations	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing
Products	Hearing Reports	✓	✓			✓	✓	✓
	Bill/Resolution Report	✓			✓	✓		✓
	Committee/Staff	✓				✓		✓
	Conference Report	✓				✓		✓
	Subpoenas					✓		✓
	Committee	✓				✓		✓
Roles	Advice and Consent	✓	✓	✓	✓	✓	✓	✓

House Committee on Armed Services' role in national security

B. Strategy Development:²⁴

(1) Major Activities: Although the HASC does not participate directly in Administration processes that develop national security strategy, hearings and studies can influence Administration's strategic options. The Congress can mandate certain strategic options or approaches, and they require the Executive Branch to prepare the National Security Strategy annually. Through the hearing process described in paragraph 5.A., the Committee can influence the Administration's assessment of strategic options by identifying those it supports and those it considers unacceptable. For example, the HASC held hearings in 1997 on the Quadrennial Defense Review and the findings of the National Defense Panel. In 1998, the Committee held a hearing with Service Chiefs to examine the impact of the President's budget request on the military's ability to execute the National Military Strategy. The HASC can also issue Committee and staff reports that spotlight issues and help focus public attention on strategic options and policies.

By constructing authorization bills (and other legislation) that regulate various aspects of international relations, the Committee can affect the structure of the foreign policy establishment and enhance or restrict its latitude to implement the strategy it develops. Also, through authorization bills, it can limit or enhance funding, which impacts options for strategy development. Through conferences to reconcile differences in House and Senate versions of authorization bills, Members can influence Senators to accept their views.

In addition to these measures, if the Committee Chair is powerful and well respected in the House, the Administration may discard some strategic options that the Chair opposes if they are seen as politically risky in terms of House approval. This is not to suggest that Administrations are unwilling to challenge Committee Chairs on matters the Administration believes are important. The evidence suggests the opposite to be the case. However, during strategy development, Administration officials are likely to take into consideration the prevailing

²⁴ The narrative that follows discusses Committee activities in terms of the processes the U.S. Commission on National Security /21st Century prescribed and according to the definitions it stipulated. Congressional staff interviewed indicated that, from their perspective, Committees deal primarily with policy and oversight and that everything the Committee does falls into one of these two categories.

sentiment on the Hill as reflected in a powerful Chair's pronouncements. This is especially true, given the Committee's authorizing power, which can influence structure and operating procedures or place limits on how funds can be expended for strategy implementation.

(2) Major Stakeholders: The Executive Branch (especially the Defense Department, the Military Services, and related activities), various political constituents, and special interest groups, such as political action groups representing the interests of a defense manufacturer or region supporting military installations, depending on the issue.

(3) Key Organizational Processes: Committee and Subcommittee level hearings and reports.

(4) Associated Higher-Level Processes: Authorization and appropriation law.

(5) Associated Lower-Level Processes: Preparation of the National Security Strategy, the National Military Strategy, and other major strategy documents by the Executive Branch.

C. Policy, Guidance and Regulation:

(1) Major Activities: The Committee influences policy, guidance, and regulation through reports and legislation. By reporting out of Committee and achieving a majority vote on the floor of the House, bills and accompanying reports make policy and craft regulations. For example, in 1985, the House Armed Services Committee and the Senate Armed Services Committee favorably reported out legislation that reorganized the Department of Defense, altering the composition and functions of the Joint Chiefs of Staff and increasing the authority of the Chairman. The House and Senate bills passed both chambers and the resulting reconciled legislation was signed into law in 1986 as the Goldwater-Nichols Act.²⁵ (See paragraph 5.A. for a description of the Committee and Subcommittee processes.)

(2) Major Stakeholders: The Executive Branch and various political constituencies.

(3) Key Organizational Processes: Committee and Subcommittee level hearings and report preparation.

(4) Associated Higher-Level Processes: Authorization bill preparation.

(5) Associated Lower-Level Processes: Administration-proposed legislation.

D. Planning: The HASC has no involvement in national security planning. By holding closed hearings on ongoing U.S. military operations, the Committee has the opportunity to comment on and influence the Executive Branch's plans. The Committee may also influence planning by reporting out legislation that changes U.S. policy on a particular issue and affects national security planning. In 1999, for example, the HASC reported out and the House approved a bill declaring that it should be U.S. policy to deploy a national missile defense as

²⁵ Goldwater-Nichols Department of Defense Reorganization Act of 1986, Public Law 99-433.

soon as technologically feasible. The Senate passed similar legislation and the bill was signed into law in July 1999.²⁶

E. Mission Execution: The HASC has no involvement in mission execution in that it cannot command and control Executive Branch organizations. However, it can exert influence on how the Administration manages ongoing missions through hearings and/or introduction of legislation that supports or impedes operations. Knowing that the Committee may take up (and perhaps limit through authorization language) important Administration actions during an ongoing mission can act as a brake on Administration options. In the extreme, it is conceivable that the Committee could refuse to authorize appropriations for an ongoing operation, although it has traditionally supported fielded forces, even if it disagrees with the policy that fielded them.

F. Observation, Orientation, Oversight:

(1) Major Activities: The Committee fulfills its oversight responsibilities by conducting hearings and preparing reports. (See paragraphs 5.A. and 5.C. See also discussion of authorization procedures in paragraph 5.H.)

(2) Major Stakeholders: Executive Branch agencies with international relations responsibilities, including the Department of Defense, the Military Services, the Department of Energy, various political constituents.

(3) Key Organizational Processes: Committee- and Subcommittee-level hearings.

(4) Associated Higher-Level Processes: Authorization and appropriations law.

(5) Associated Lower-Level Processes: President's Budget preparation.

G. Preparation: The Committee is generally not directly involved in national security preparation, although provisions of authorizing language may impact the way in which Executive Branch Agencies prepare, train, and exercise. For example, in the Fiscal Year 1999 Defense Authorization Act, the HASC addressed the issue of integrating basic training of male and female recruits, adding legislative language that required joint training but separate housing, and forming an advisory panel to further study the issue.²⁷

H. Resourcing:

(1) Major Activities: All of the Committee's products have resource implications. The Committee produces the Defense Department authorization bill and authorizes certain Department of Energy activities. Authorizing legislation constitutes the legal basis for Department and agency operations, structures Departments and agencies, prescribes responsibilities, and authorizes Appropriations Committees to fund programs such as foreign aid. In essence, it tells Departments and agencies what they can commit funds to, and it tells appropriations subcommittees how much funding to allow.

²⁶ National Missile Defense Act of 1999, Public Law 106-38.

²⁷ Public Law 105-261, October 17, 1998.

Theoretically, Appropriations Committees cannot appropriate funds without authorizing legislation, nor can they appropriate funds in excess of the amounts authorized when amounts are specified. Conversely, appropriations measures are not to contain authorization—or legislative—language. In practice, however, the distinctions are blurred and Appropriating Committees may insert legislative language in their appropriation legislation or conference reports.

In addition to authorizing the expenditure of funds, authorization legislation can organize and structure organizations and often contain directives or proscriptions with respect to responsibilities and actions. They also can establish operational processes and procedures; specify personnel policies; and direct the Department or Agency to conduct studies and provide reports. And they can require interaction with other Departments and Agencies.

In terms of resourcing, authorizing legislation usually provides some indication of funding levels, either specifically or in general. Authorization bills are "ceilings," while appropriations bills are "floors." An authorization act may make a specific amount of money available and restrict its use to certain activities. For example, "for fiscal year 1998, the amount of \$331,000,000 is available for long-lead activities related to the procurement of additional B-2 bomber aircraft."²⁸ In this case, the Appropriations Committees may not appropriate more than that amount, although it may appropriate less. On the other hand, Authorizing legislation may be general: "Notwithstanding section 3302, of Title 31, United States Code, the Secretary may retain the proceeds from the sale, lease, or disposal of an asset . . . [and] utilize amounts retained under this paragraph to defray the cost of the sale, lease, or disposal."²⁹ Authorizing language may be restrictive: "The Secretary of Defense may not obligate or expend funds during this fiscal year to provide support under this section to a government described in subsection (g)."³⁰

Finally, authorization bills frequently contain "earmarks." Earmarking is a technique by which funds are authorized for a particular program or activity, reflecting a Member's interest in that program and his/her ability to generate support for it among colleagues.

As a rule, authorizations do not extend beyond a few fiscal years and often are made for only a year, although some authorizations are permanent and continue until modified by new authorizing legislation. Limiting authorizations to a few years allows Authorizing Committees an opportunity to frequently review Department and agency performance. As one observer noted, "temporary authorizations are a short leash Congress can pull to compel changes in an agencies policies or actions."³¹ Yet, despite formidable rules, appropriations do occur even when there is no current authorization. Appropriating in the absence of authorizations is not unconstitutional *per se*.

Because both chambers must pass bills before sending them to the President for signature, House-Senate conferences occur routinely. When the HASC reports out an authorization bill that is passed by the House, the Chair and Ranking Member of the Committee

²⁸ National Defense Authorization Act for Fiscal Year 1998, Section 131.

²⁹ National Defense Authorization Act for Fiscal Year 1998, Section 3138.

³⁰ National Defense Authorization Act for Fiscal Year 1998, Section 1033.

³¹ Schick, p. 117.

select Members to meet with Senators from the Senate Committee on Armed Services to reconcile differences in the House and Senate versions.

These conferences typically require several meetings, which may or may not be held on sequential dates. In other words, a conference might begin in July and not conclude its business until September. Usually, most compromises are brokered by staff and presented to Members and Senators for approval. When one side agrees to accept the language proposed by the other, it is said to have receded to the point. While receding is common and occurs as a result of compromises, sometimes conferees craft language that is different from what either chamber's bill contained at the outset of the conference.

Once the conference has resolved differences, a common version of the bill (together with a report that describes the compromises made during conference) is provided to the respective chambers for deliberation and approval. Once both houses pass the measure, it is sent to the White House for the President's signature and becomes public law.

Usually, the Appropriations Committee does not wait for authorizing legislation before preparing and considering appropriations. This process is often nearly independent of the authorizing deliberations.³² (See Chapter 1 in this volume.)

(2) Major Stakeholders: Executive Office of the President; Department of Defense and related activities and agencies; various political constituents including defense manufacturers and communities supporting military installations.

(3) Key Committee Processes: Committee and Subcommittee-level hearings and reports, staff investigations.

(4) Associated Higher-Level Processes: Appropriations.

(5) Associated Lower-Level Processes: Administration processes for preparing budget requests.

6. Informal National Security Process Involvement. There are no informal processes that are so fixed that they apply across a large number of events. Most informal processes are focused on information gathering and issue resolution. These are described in the following subparagraphs.

A. Contacts with Administration Officials: In addition to formal hearings, written testimony, and written responses to questions, informal contacts with Administration officials occur throughout the process. Both Members and staffers hold informal discussions, and part of the purpose of these contacts is to determine true needs and to separate them from nice-to-have programs. The Committee staff will usually develop long-term networks of contacts in the Department of Defense and its related activities.

Informal contacts with Administration officials offer Members a means to influence Administration choices and behavior with respect to policy and budget matters. Conversely,

³² The authorizing-appropriating formula is not enshrined in the Constitution but originated in the mid-1860s. Before that time, single committees both authorized and appropriated, usually in one piece of legislation. Because the system is a creation of Congress, Congress could change it if it so desired, and it sometimes chooses to ignore it altogether.

since Administrations are not monolithic, these contacts give the Executive Branch official who hold views inconsistent with Administration policy an opportunity to express them.

B. Contacts with other Members: If a Member serves on the HASC, getting his/her priorities considered and into a bill for which the Committee has jurisdiction is not difficult. Generally, the Subcommittees honor requests by their Members and those of other Subcommittee Members. For Members who do not serve on the Committee, the task is more daunting. Each year the number of requests exceeds capacity, which requires Members on the Subcommittees to make choices among competing requests from their colleagues. The tendency is to ensure that every Member receives at least some of what he/she requests in order to ensure support for bills on the floor and to build alliances for other matters. Attempts to do this are marked by personal negotiations between Members and between their staff representatives.

C. Influencing the Public: Members routinely use press releases, speeches, interviews, and other means to influence public opinion either in support of or in opposition to high-priority issues. Enlisting public opinion helps Members achieve their legislative agendas and often raises the quality and scope of debates on important issues.

7. Funding and Personnel.

A. Funding Sources: The House Armed Services Committee is funded through the Legislative Branch appropriations.

B. Budget: The budget for fiscal year 2000 is \$10,342,681.³³

C. Manpower: The Committee includes 60 Members, 29 professional staff, and 18 additional administrative staff.³⁴

8. Observations.

A. Organization and Process vs. Political Considerations: The processes and organization used by the House and its Committees are a creation of the House. Although often slower than some believe it should be, and while the House sometimes violates its own rules, the system works effectively. When legislation is delayed, it is most often because of political considerations or differences, not the way the House is organized or the processes it chooses to prosecute its business. The Committee on Armed Services' jurisdiction tends to line up effectively with Administration Departments, most prominently the Department of Defense.

B. The Power of the Chair: Under House rules Committee and Subcommittee Chairs have tremendous authority over matters under their jurisdiction. By determining which proposals will be reported out to the floor, by sanctioning authoritative reports to accompany these proposals, and by managing floor debate, the Chairs often determine which proposals will become the law of the land. The most powerful Chairs are those that are subject matter experts and are respected by other Members for their knowledge. At a time when some have suggested that Members of Congress are becoming more specialized, many Members rely on consultations

³³ House Resolution 101, March 24, 1999, Section 1.

³⁴ Administrative staff numbers are drawn from "HASC Staff Information," on the HASC website, <http://www.house.gov/hasc/staffinfo.htm>.

with respected peers to determine how they will vote on issues.³⁵ If this trend continues, Chairs and other Members who are acknowledged as experts by their peers will become more influential in shaping debate outcomes.

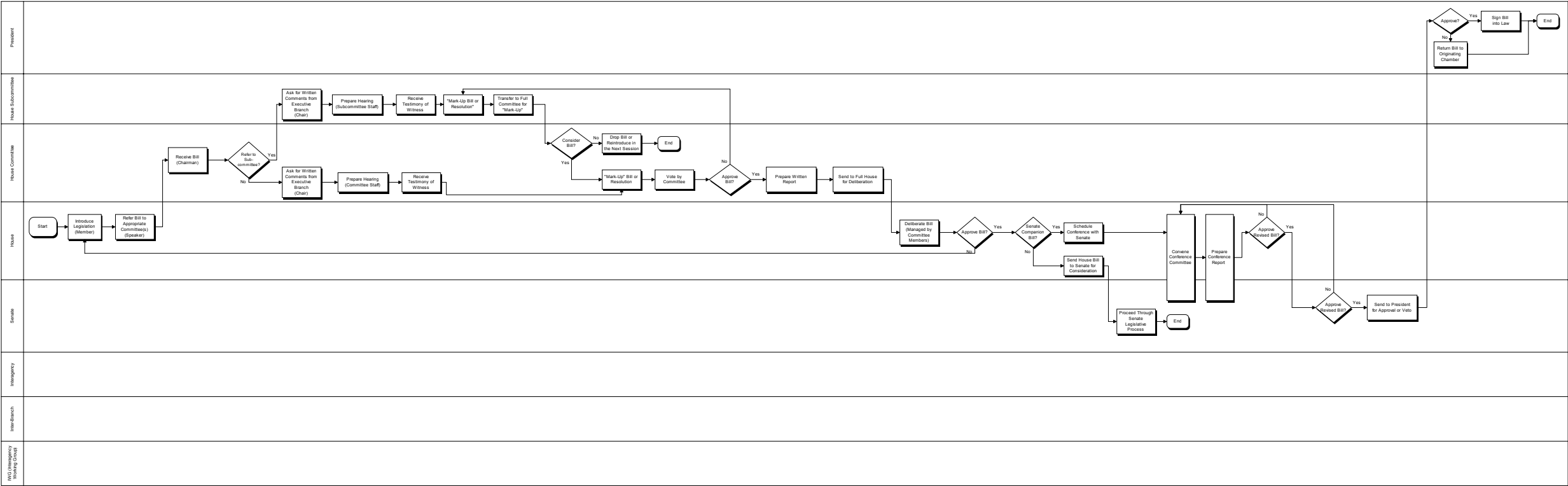
C. Jurisdictional Issues: Although most Committees have lists of their jurisdictions, actual division of responsibilities is not clear cut. There are overlapping issues that often involve intense discussions and often are unresolved. Export controls is one area of such overlapping jurisdiction. During the 105th Congress, legislation regulating the exports of strong encryption products involved five different Committees of the House: Commerce, Judiciary, Armed Services, International Relations, and Permanent Select Committee on Intelligence. Each Committee amended the underlying legislation according to its particular perspectives on national security, resulting in mark-ups of the same base bill strongly at odds with and on some provisions directly contradictory to each other. The 105th Congress was unable to resolve the differences among the five Committees' versions of the bill and the legislation was never acted upon by the full House.³⁶ As the definition of national security expands to cover issues with security, economic, and other dimensions, this problem is likely to recur.

³⁵ Interviews. Because issues are becoming more complex and more information is available about them, Members often tend to focus more on specific areas.

³⁶ Author's personal experience as a staffer to a Member who participated in both the House National Security Committee (predecessor of the current Armed Services Committee) and Permanent Select Intelligence Committee mark-ups of the encryption legislation.

APPENDICES

House Committee on Armed Services - Key Process - (Formal) - Legislative Process



ORGANIZATIONAL DESCRIPTION

**HOUSE COMMITTEE ON INTERNATIONAL
RELATIONS**



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

House Committee on International Relations

Overview

The House Committee on International Relations is an authorizing committee, which considers virtually all legislation on diplomacy and foreign affairs. Its jurisdiction includes:

- Relations of the United States with foreign nations generally;
- Acquisition of land and buildings for embassies and legations in foreign countries;
- Establishment of boundary lines between the United States and foreign nations;
- Export controls, including nonproliferation of nuclear technology and nuclear hardware;
- Foreign loans;
- International commodity agreements (other than those involving sugar), including all agreements for cooperation in the export of nuclear technology and nuclear hardware;
- International conferences and congresses;
- International education;
- Intervention abroad and declarations of war;
- Measures relating to the diplomatic service;
- Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad;
- Measures relating to international economic policy;
- Neutrality;
- Protection of American citizens abroad and expatriation;
- The American National Red Cross;
- Trading with the enemy; and
- United Nations Organizations.

As an authorizing committee, the International Relations Committee has influence over the organization and structure, roles, and responsibilities, and the amount of funding for activities that come within its scope of authority. It conducts hearings and authors bills, resolutions, and reports on matters within its jurisdiction. As most House Committees, the International Relations Committee plays an important role in selecting which legislative proposals within its jurisdiction the full House will consider. In this role, the Committee:

- Schedules legislation for consideration;
- Conducts hearings and studies;
- Marks up the proposed bills and resolutions;
- Amends and votes on them at the Subcommittee and Committee level;
- Reports them out to the full House;
- Participates in conferences with Members of the House of Representatives;
- Reports joint bills/resolutions arrived at in conference to the House;
- Manages enactment of joint resolutions on matters within its jurisdiction; and,
- Provides oversight of matters enacted into law.

Committee and Subcommittee Chairs exercise a great deal of authority throughout.

Organization

The Committee is a standing Committee under House rules. It currently consists of 49 members, 26 Republicans and 23 Democrats, and is supported by a professional staff of 31. It is organized into five subcommittees:

- Subcommittee on International Operations and Human Rights;
- Subcommittee on International Economic Policy and Trade;
- Subcommittee on Africa;
- Subcommittee on Western Hemisphere; and
- Subcommittee on Asia and the Pacific.

Subcommittees have functional and geographic responsibilities (i.e., responsibilities for issues relating to specific regions and for certain activities within those regions.) Functional responsibilities include trade, traffic of narcotics, terrorism, and crime, drug, and foreign assistance programs. Subcommittees conduct hearings and mark-up of legislation within their jurisdiction for full Committee consideration. Regional areas that

are not addressed at the subcommittee level, such as Europe and the Middle East, are handled at the full Committee level.

Major Organizational Products

The Committee's major products are mark-ups of legislation, hearings, and reports. Committees also provide oversight of the activities of Executive Branch agencies within their realm of responsibility.

Role in Formal and Informal National Security Processes

The Committee's role in national security is shown below:

		Strategy Development	Policy, Guidance, and Regulations	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing
Products	Hearing Reports	✓	✓			✓	✓	✓
	Bill/Resolution Report	✓			✓	✓		✓
	Committee/Staff Reports	✓				✓		✓
	Conference Report	✓				✓		✓
	Subpoenas					✓		✓
	Committee Amendments	✓				✓		✓
Roles	Oversight		✓			✓		✓

Strategy Development. The Committee and its Subcommittees can influence Executive Branch strategy development in a number of ways. It can hold hearings and prepare hearing reports and staff reports that highlight important strategic issues. It can also draft authorization bills and bills that affect various international affairs activities of the U.S. Government (such as arms control and trade) that can limit the Administration's strategic options.

Similarly, it can influence strategy development by the amount of funding it makes available for various Administration agencies and activities. It can influence Senate actions along these lines through conferences and reports. Through management of House floor debates and introduction of Committee amendments, it can affect the final shape of the legislation it reported to the full House for consideration.

Policy, Guidance, and Regulation. Through hearings and hearing reports, and in its oversight role, the Committee can affect Administration policy options and regulatory measures.

Planning. The Committee has no direct role in national security planning.

Mission Execution. Through bills and resolution reports, the Committee can affect the ways in which the Executive Branch undertakes and manages missions. It can do this through funding legislation, including the authorization of supplemental funding and legislation withholding such funding.

Observation, Orientation, and Oversight. The Committee conducts oversight through hearings and investigations. It can orient the Executive towards intended outcomes by issuing reports, legislation, and exercising its oversight role. Finally, its right of subpoena is a strong tool to obtain explanation and testimony from Administration officials and other individuals on actions taken by the Administration in areas of Committee jurisdiction.

Preparation. The Committee can influence preparatory activities such as training of Foreign Service and Civil Service personnel through authorizing legislation for the Department of State and other international affairs agencies.

Resourcing. All the Committee's activities have resource implications, especially in authoring legislation authorizing international affairs programs and the activities of the Department of State and other international affairs agencies of the U.S. Government.¹

Informal processes involve primarily Member contact with Administration officials and Committee staff contact with Executive Branch staff. Individual Members and Committees also issue press releases about issues, focusing the public's attention on them in an attempt to influence the Administration.

Observations

Given the overwhelming number of legislative proposals generated in Congress each year, the Committee system acts as a funnel to ensure that only the most significant are brought to full House consideration. Delays and failures are usually the result of political considerations, not the system *per se*.

Hearings are a powerful tool and often serve as a focal point for key national security debates. They highlight issues and generate support, and the resulting bills and resolution reports can produce significant changes. For example, Authorization bills and accompanying reports can require Executive Branch agencies to report on programs, processes, and procedures; reduce or increase the authorized funding; and earmark funds for particular purposes.

By reporting bills out of Committee, the Committee can affect Administration policy, organizational structures of the Department of State and related organizations, and the resourcing of some Executive Branch activities.

¹ The House and Senate have not approved a State Department Authorization bill since 1994. Although under House and Senate rules authorizing legislation is necessary to inform Appropriations procedures, Appropriating Committees have acted to fund programs and activities in the absence of such authorizing language.

The Committee Chair controls Committee processes through personal interaction with other Members and by control over Committee staff. Although they must compromise with Ranking Members in many cases to ensure passage of a particular piece of legislation in Committee, the Chair has great latitude in scheduling legislation for consideration and calling hearings.

The power and influence of Congressional Committees depends on a unique blend of five factors: Committee jurisdiction; the issue under consideration; the politics surrounding that issue; the personal position, influence, and demeanor of the Chair; and Committee norms and traditions. Depending on circumstances, any one of these factors may prevail for a given event. For example, if the issue under consideration is one that threatens national security, then the issue will have priority over politics, jurisdiction, the Chair, and the way matters have been handled traditionally. Or, if the nation is concerned about an issue, then political considerations may predominate. This description, while general and not without exception, applies to the Committee on International Relations.

ORGANIZATIONAL DESCRIPTION

HOUSE COMMITTEE ON INTERNATIONAL RELATIONS

1. Legal Specifications, Authorizations, and Responsibilities. Committees are creations of Congress, for which there is no requirements in the U.S. Constitution or U.S. Code. Congress establishes Committees to organize itself to carry out its constitutional responsibilities. House Rules X and XI govern the organization and procedures of House Committees. Additionally, at the beginning of each Congress, each Committee adopts rules of procedures that are generally consistent with House rules but may provide additional detail on the means by which the Committee will discharge its responsibilities.²

2. Missions/Functions/Purposes.

A. Major Responsibilities: The Committee on International Relations, an Authorizing Committee, has jurisdiction over the following matters:³

(1) Relations of the United States with foreign nations generally [Key Process Relation: Strategy Development; Policy, Guidance, and Regulation; Mission Execution; Observation, Orientation, and Oversight; Preparation; Resourcing];

(2) Acquisition of land and buildings for embassies and legations in foreign countries [Key Process Relation: Resourcing];

(3) Establishment of boundary lines between the United States and foreign nations [Key Process Relation: Strategy Development; Policy, Guidance, and Regulation];

(4) Export controls, including nonproliferation of nuclear technology and nuclear hardware [Key Process Relation: Strategy Development; Policy, Guidance, and Regulation; Observation, Orientation, and Oversight];

(5) Foreign loans [Key Process Relation: Resourcing];

(6) International commodity agreements (other than those involving sugar), including all agreements for cooperation in the export of nuclear technology and nuclear hardware [Key Process Relation: Resourcing];

(7) International conferences and congresses [Key Process Relation: Mission Execution];

(8) International education [Key Process Relation: Preparation];

(9) Intervention abroad and declarations of war [Key Process Relation: Strategy Development; Policy, Guidance, and Regulation; Mission Execution];

² Sachs, Richard C. and Carol Hardy Vincent. Hearings in the House of Representatives: A Guide for Preparation and Conduct. CRS Report to Congress. (Washington, D.C.: Congressional Research Service, August 10, 1999).

³ The following is drawn from Rules of the House of Representatives—106th Congress: Rule X: Organization of Committees, Committees and Their Legislative Jurisdictions.

- (10) Measures relating to the diplomatic service [Key Process Relation: Preparation];
- (11) Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad [Key Process Relation: Policy, Guidance, and Regulation];
- (12) Measures relating to international economic policy [Key Process Relation: Policy, Guidance, Regulation];
- (13) Neutrality [Key Process Relation: Strategy Development];
- (14) Protection of American citizens abroad and expatriation [Key Process Relation: Policy, Guidance, and Regulation];
- (15) The American National Red Cross [Key Process Relation: Observation, Orientation, and Oversight];
- (16) Trading with the enemy; [Key Process Relation: Strategy Development; Policy Guidance, and Regulation]; and
- (17) United Nations Organizations [Key Process Relation: Resourcing; Policy, Guidance, and Regulation].

Rule X also gives the Committee oversight responsibility for customs administration, intelligence activities relating to foreign policy, international financial and monetary organizations, and international fishing agreements.

B. Subordinate Committees: House Rules allow each Committee to form no more than five subcommittees to consider and report bills on matters of jurisdiction.⁴ This rule was instituted at the beginning of the 105th Congress as part of a broader package of organizational reforms that eliminated a number of panels and commissions, cut budgets, and constrained Members' assignments.

The International Relations Committee has five subcommittees (see paragraph 4.E. for Subcommittee membership and jurisdiction):

- (1) Subcommittee on International Operations and Human Rights;
- (2) Subcommittee on International Economic Policy and Trade;
- (3) Subcommittee on Africa;
- (4) Subcommittee on Western Hemisphere;

⁴ Vincent, Carol Hardy. Committee Types and Roles. CRS Report to Congress. (Washington, D.C.: Congressional Research Service, May 11, 1998.)

(5) Subcommittee on Asia and the Pacific;

Regional issues that fall outside the geographical areas addressed by the above subcommittees, such as those relating to Europe and the Middle East, are handled at the Committee level.

C. Major Products: The International Relations Committee produces hearing reports, bill and resolution reports, treaty reports, committee and staff investigative reports, conference reports, and committee amendments for legislation under consideration on the floor of the House. As an authorizing committee, the International Relations Committee recommends funding levels for U.S. government operations and for new and existing programs.

3. Vision and Core Competencies.

A. Vision: There is no published vision statement, although the Committee's Oversight Plan, mandated by House Rule X lists issues the Committee plans to cover in the 106th Congress. This list is comprehensive and covers topics such as international security and peacekeeping, oversight of State Department and related agencies; foreign assistance oversight, Europe, Middle East, Asia, Western Hemisphere, Africa, human rights, and economic policy.⁵ Typically, Committee operations reflect the views and priorities of the Committee and Subcommittee Chair.

B. Core Competencies: Core competencies include U.S. foreign relations, operations of the Department of State and related agencies and activities, including arms control and humanitarian assistance.

4. Organizational Culture.

A. Values: There is no published statement of values.

B. Leadership Traditions: Committee and Subcommittee Chairs, selected in accordance with party rules, have a great deal of influence over the Committee's operating procedures. They also influence the legislative agenda of the Committee, selecting among the various pieces of legislation referred by the Subcommittees those the Committee will consider. Finally, Chairs have significant authority over which bill will be reported out of Committee for action on the House floor. Committee Chairs are selected by the majority party based on several considerations, including seniority, expertise on the issues, and how well they will represent the majority party's interests in the role of Chair. The Chair also determines the working relationship between the majority and minority on the Committee, usually by establishing a good relationship with the Ranking Minority Member. Although the authority of the Chair is undisputed, most Chairpersons will seek to establish a cooperative relationship with the minority.

C. Staff Attributes: The Committee is served by a majority staff and a minority staff, each headed by a staff director who reports to the Chair and Ranking Member respectively. Each staff member owes his position to the Committee Chair or Ranking Member who approve all staff appointments. When the Chair or Ranking Member change, their successors are likely to bring in at least a few new staff members. If the balance in the chamber as a whole changes,

⁵ Committee on International Relations Oversight Plan, Adopted by the Committee, February 11, 1999.

the staff turnover will be greater. The new majority party will appoint additional staff members over and above those they already have, and the new minority party will release staff to bring their total staff levels into line with the rules. Committee staff comes from a variety of backgrounds and includes attorneys, academics, and those with firsthand experience in foreign relations. Successful staffers have both functional and procedural expertise.

House Rule XI governs the appointment of House Committee staffs. It specifies that each Committee, except for the Committee on Appropriations, may have no more than 30 professional staff members, one-third of which may be assigned to work for the minority as determined majority vote. The minority party is temporarily allowed an additional slot when there are no vacant slots among the 30.⁶ Currently, the House International Relations Committee has 20 majority staff members and 11 minority staff members. These totals include professional staff assigned to specific Subcommittees.

D. Strategy: The Committee and Subcommittee strategies reflect the strategies of the Chairs and political parties. There is no published strategy document.

E. Organization: In the House of Representatives, Members can serve on a maximum of two standing Committees and four Subcommittees of those standing Committees.⁷ Republicans and Democrats designate some Committees as "exclusive." Members appointed to exclusive Committees may not serve on any other Committee except for the Budget Committee or the Oversight Committee. Examples of exclusive Committees are the Committee on Appropriations, the Committee on Rules, Committee on Commerce, and the Committee on Ways and Means. Each political party has additional rules for determining the number of Committees on which a member may serve. Democrats, for example, do not allow Members to sit on more than one standing committee.⁸

Committee membership is determined by each political party based on leadership recommendations and according to party procedures.⁹ Both Republicans and Democrats have established Steering Committees to make recommendations respectively to the Republican Conference and Democratic Caucus regarding Committee assignments for current and incoming members. For both parties, a number of considerations influence Committee assignments, including a Member's seniority, background, ideology, the strength of his or her state delegation in the House, the Member's relationship with the party leadership, and the Member's reelection potential.¹⁰ Generally, the leadership will assist a Member facing a strong challenger from another party by assigning that Member to an influential Committee from which the Member may affect the interests of his or her constituency.

⁶ Bach, Stanley and Carol Hardy Vincent. House Rules Affecting Committees, CRS Report for Congress. (Washington, D.C.: Congressional Research Service, March 13, 1997.)

⁷ Standing Committees are permanent Committees that have specific legislative jurisdiction outlined in the House Rules and that can recommend funding levels (authorizations). Select Committees are created by resolution by the House or Senate to conduct specific investigations or studies when a standing Committee is not organized to address a particular issue. They can be permanent or temporary. Joint Committees include members of the House and Senate and are concerned with conducting studies rather than considering legislation.

⁸ Schneider, Judy. House Committees: Categories and Rules for Committee Assignments, CRS Report for Congress. (Washington, D.C.: Congressional Research Service, February 20, 1998.) (Henceforth, Categories and Rules for Committee Assignments.)

⁹ There is one Independent Member in the House of Representatives who votes with the Democratic party most of the time and receives his committee assignments from the Democratic Party.

¹⁰ Categories and Rules for Committee Assignments.

The leadership of the two political parties negotiate the size of each Committee and the ratio of the majority to the minority in each prior to each new Congress and immediately after election results are available. Committee sizes generally remain constant, although special elections or other unforeseen circumstances may affect a Committee's membership. The International Relations Committee has a total of 49 members, 26 Republicans and 23 Democrats. A majority and minority staff as described in paragraph 4.C supports the Committee.

The Committee is organized into five subcommittees as described in paragraph 2.B. The Committee Chair, in consultation with the majority party committee members, selects Subcommittee Chairs. A similar practice is followed by the Minority in selecting Ranking Members.

Each Subcommittee of the House International Relations Committee has its own majority staff headed by a Staff Director. One minority staff member is associated with each Subcommittee as well. Subcommittees are authorized to "hold hearings, receive evidence, and report to the full Committee on all matters referred to it" by the Committee Chair, who, in accordance with Committee rules, must refer legislation to the Subcommittee of primary jurisdiction within two weeks of receiving it.¹¹

The House International Relations Committee membership for the 106th Congress is shown below.

¹¹ Rule of the Committee on International Relations, 105th Congress, (Adopted February 5, 1997.)

HOUSE COMMITTEE ON INTERNATIONAL RELATIONS

Republicans (26)	Democrats (23)
Benjamin A. Gilman (NY)—Chair William F. Goodling (PA) James A. Leach (IA) Henry J. Hyde (IL) Doug Bereuter (NE) Christopher H. Smith (NJ) Dan Burton (IN) Elton Gallegly (CA) Ileana Ros-Lehtinen (FL) Cass Ballenger (NC) Dana Rohrabacher (CA) Donald A. Manzullo (IL) Edward R. Royce (CA) Peter T. King (NY) Steven J. Chabot (OH) Marshall "Mark" Sanford (SC) Matt Salmon (AZ) Amo Houghton (NY) Tom Campbell (CA) John McHugh (NY) Kevin Brady (TX) Richard Burr (NC) Paul Gillmor (OH) George P. Radanovich (CA) John Cooksey (LA) Tom Tancredo (CO)	Sam Gejdenson, (CT)—Ranking Member Tom Lantos (CA) Howard L. Berman (CA) Gary L. Ackerman (NY) Eni F.H. Faleomavaega (AS) Matthew G. Martinez (CA) Donald M. Payne (NJ) Robert Menendez (NJ) Sherrod Brown (OH) Cynthia A. McKinney (GA) Alcee L. Hastings (FL) Pat Danner (MO) Earl F. Hilliard (AL) Brad Sherman (CA) Robert Wexler (FL) Steven R. Rothman (NJ) Jim Davis (FL) Earl Pomeroy (ND) William D. Delahunt (MA) Gregory W. Meeks (NY) Barbara Lee (CA) Joseph Crowley (NY) Joseph M. Hoeffel (PA)

The Committee is organized into Subcommittees as described above. Subcommittee membership and a brief description of each Subcommittee's responsibilities follow.

(1) Subcommittee on Asia and the Pacific:

Republicans (12)	Democrats (10)
Doug Bereuter—Chair Dana Rohrabacher Peter King Mark Sanford Matt Salmon John McHugh Richard Burr Paul Gillmor Donald Manzullo Edward Royce John Cooksey	Tom Lantos—Ranking Member Howard Berman Eni Faleomavaega Matthew Martinez Sherrod Brown Robert Wexler Jim Davis Earl Pomeroy Gary Ackerman Alcee Hastings

The Subcommittee has jurisdiction over issues relating to all of Asia, including Southeast Asia and Central Asia. The Subcommittee addresses issues pertaining to political relations between the United States and countries in the region; legislation relating to disaster assistance in this region; boundary issues and international claims; legislation relating to foreign loans to countries in this region; disapproval of foreign arms sales under the Arms Export Control Act; human rights practices in countries in the region; oversight of lending institutions in the region; oversight of United Nations (UN) and other international organizations—related matters in the region; base rights and other regional security agreements; parliamentary and other exchanges involving countries in the region; oversight of foreign assistance programs to the region; concurrent jurisdiction with other International Relations Subcommittees on functional matters.¹²

(2) Subcommittee on International Operations and Human Rights:

Republicans (8)	Democrats (6)
Christopher Smith—Chair William Goodling Henry Hyde Tom Tancredo Dan Burton Cass Ballenger Peter King Matt Salmon	Cynthia McKinney—Ranking Member Eni Faleomavaega Earl Hilliard Brad Sherman William Delahunt Gregory Meeks

The Subcommittee has jurisdiction over issues involving the Department of State, the United States Information Agency and related agency operations; the diplomatic service; international cultural and education affairs; foreign building; legislation related to the United Nations and other international organizations; protection of U.S. citizens abroad; the American Red Cross and human rights matters; international population issues.¹³

(3) Western Hemisphere:

Republicans (9)	Democrats (7)
Elton Gallegly—Chair Dan Burton Cass Ballenger Christopher Smith Ileana Ros-Lehtinen Mark Sanford Kevin Brady Paul Gillmor Vacancy	Gary Ackerman—Ranking Member Matthew Martinez Robert Menendez Robert Wexler Steve Rothman Jim Davis Earl Pomeroy

The Subcommittee has jurisdiction over regional issues, including those relating to political relations between the United States and countries in the region; disaster assistance in this region; boundary issues and international claims; legislation relating to foreign loans to

¹² Rules of the Committee on International Relations, 105th Congress, (Adopted February 5, 1997)

¹³ Rules of the Committee on International Relations, 105th Congress, (Adopted February 5, 1997).

countries in this region; disapproval of foreign arms sales under the Arms Export Control Act; human rights practices in countries in the region; oversight of lending institutions in the region; oversight of UN and other international organizations—related matters in the region; base rights and other regional security agreements; parliamentary and other exchanges involving countries in the region; oversight of foreign assistance programs to the region; concurrent jurisdiction with other International Relations Subcommittees on functional matters.¹⁴

(4) Subcommittee on International Economic Policy and Trade:

Republicans (10)	Democrats (8)
Ileana Ros-Lehtinen—Chair Donald Manzullo Steve Chabot Kevin Brady George Radanovich John Cooksey Doug Bereuter Dana Rohrabacher Tom Campbell Richard Burr	Robert Menendez—Ranking Member Pat Danner Earl Hilliard Brad Sherman Steven Rothman William Delahunt Joseph Crowley Joseph Hoeffel

The Subcommittee addresses issues relating to international economic and trade policy, legislation to support U.S. trade with foreign countries; export administration; international investment policy; trade of nuclear technology and materials and nonproliferation aspects; trade of international communication and information technology; licensing for exports of dual-use goods and technology; legislation and oversight pertaining to economic and financial institutions, such as the Overseas Private Investment Corporation (OPIC), the Trade and Development Agency, and the Export-Import Bank.¹⁵

(5) Subcommittee on Africa:

Republicans (6)	Democrats (4)
Edward Royce—Chair Amo Houghton Tom Campbell Steve Chabot Thomas Tancredo George Radanovich	Donald Payne—Ranking Member Alcee Hastings Gregory Meeks Barbara Lee

The Subcommittee is responsible for legislation and oversight of regional issues relating to political relations between the United States and countries in the region; disaster assistance in this region; boundary issues and international claims; legislation relating to foreign loans to countries in this region; disapproval of foreign arms sales under the Arms Export Control Act; human rights practices in countries in the region; oversight of lending institutions in the region; oversight of UN and other international organizations—related matters in the region; base rights

¹⁴ Rules of the Committee on International Relations, 105th Congress, (Adopted February 5, 1997).

¹⁵ Rules of the Committee on International Relations, 105th Congress, (Adopted February 5, 1997).

and other regional security agreements; parliamentary and other exchanges involving countries in the region; oversight of foreign assistance programs to the region; concurrent jurisdiction with other International Relations Subcommittees on functional matters.¹⁶

5. Formal National Security Process Involvement.

A. Overview of the Legislative, Committee, and Subcommittee Processes:

(1) Formal Legislative Process:¹⁷ Legislation can be introduced either in the House or Senate, except for appropriation bills, which traditionally originate in the House. Sometimes, similar, or "companion," bills are introduced simultaneously in both chambers. Legislative proposals take the form of bills, which are the typical vehicle for legislation; joint resolutions, which include a preamble preceding the legislative language; concurrent resolutions, which are not legislative in nature but express the opinions of the House and Senate on specific matters; and simple resolutions, which usually addresses the operations of the House or Senate. Bills and joint resolutions become law when both chambers approve them and the President signs them. Concurrent and simple resolutions do not result in law. Ideas for legislation originate from different sources. They may result from a Member's own idea, an idea originating from Member's constituent, from an Executive Agency proposal, or a proposal made by the President during the State of the Union address.

In the House of Representatives, the legislative process begins when a Member formally introduces legislation. The Member sponsoring the bill may be joined by an unlimited number of co-sponsors from one or both parties, and the bill may continue to pick up sponsors after its introduction until the time it has been reported out of the last Committee with jurisdiction over it.

After introduction, the bill is assigned a number and printed in the Congressional Record. The Speaker, or the Presiding Officer in the Speaker's absence, refers the bill to the appropriate Committees with jurisdiction over the matter addressed by the bill. A bill may be referred to only one Committee or to multiple Committees simultaneously when jurisdiction for a particular issue overlaps; in the latter case, however, the Speaker must identify the Committee with primary jurisdiction. The bill may also be referred to one Committee first, which is required to act within a specific amount of time, and then to other Committees sequentially. Finally, different portions of a bill may be referred to different Committees at the same time, in a procedure known as split referral. Referral to Committee does not mean the bill will receive consideration. In fact, the majority of legislation referred to Committee is never acted upon. When this happens, the matter may be dropped, or it may be reintroduced at the next session.

Whether a bill is considered often depends on who sponsors and co-sponsors it and their relationship with the Chair. If several Committee members co-sponsor a bill, it has a better chance of moving through the Committee process, for example. If the Member and the Committee Chair are of the same party, the bill will have a better chance. If the Member and the Chair are of different parties and the bill does not have bipartisan co-sponsorship, the bill may still receive a hearing, but its likelihood of passage will not be high.

¹⁶ Rules of the Committee on International Relations, 105th Congress, (Adopted February 5, 1997).

¹⁷ The following paragraphs are based on Charles W. Johnson, Parliamentarian, U.S. House of Representatives. "How Our Laws Are Made," Revised and Updated September 1999, at <http://thomas.loc.gov/home/holam.txt>.

Upon receiving a bill, a Committee Chair may refer it to one or more Subcommittees or deal with the legislation at the full Committee level.¹⁸ In considering legislation, the Committee or Subcommittee Chair use essentially the same procedures. The Chair will first ask for written comments from the Executive Branch. It will then hold hearings in which witnesses provide both written and oral testimony. Based on the outcome of these initial steps, the Committee or Subcommittee will "mark up" the bill or resolution—that is a line-by-line review that includes amending the original language (and often the intent) to bring it in line with Committee and other members' preferences. Mark ups may be open to the public, or, if classified information is discussed, may be closed. As a rule, most of the line-by-line review is done by the staff, who identify key passages and recommend alternative language and other amendments.

If the Subcommittee marked up the bill first, it will then refer it to the full Committee. Here, if the Committee Chair elects to consider the bill, it goes through a similar mark up (including introduction of amendments by Committee members) and is voted on by the entire Committee. Once the Committee approves the bill by a simple majority vote, the Committee staff prepares a draft of the bill that reflects Committee changes, which is sent to the full House for deliberation.

Bills sent to the floor are accompanied by a written report (prepared by the Committee staff) that explains the Committee's actions and intent, describes the rewritten bill, and makes arguments for passage.¹⁹ Members voting in the minority on a bill that is reported out of Committee may also provide a written report that states their views. Once on the floor, debate on the bill is managed by Committee members. The Committee staff assists floor managers by building support with the staff of Members who are not members of the Committee, preparing floor remarks, and overseeing additional amendments, including Committee amendments offered by the Chair to offset the effects of other floor amendments.

Once the entire House has passed a bill, it is scheduled for conference with the Senate to reconcile differences between the two versions.²⁰ The majority and minority leadership of the House and Senate choose a select number of Members to participate in the Conference Committee on a specific bill, typically selecting a number of Members from the referring Committee. The majority of differences between the House and Senate versions of the bill are worked out by the staff; however, Conference Committee members are personally involved with important issues that defy staff resolution. At the conclusion of the conference, either the House or the Senate prepares the conference report (usually this task alternates between the two chambers) and the reconciled bill is returned to each chamber for passage.

¹⁸ Not all Committee Chairs allow Subcommittees to mark up legislation, this is not the case for the House International Relations Committee, where Subcommittees may conduct mark ups on legislation referred to them by the Committee Chair.

¹⁹ There are at least three different types of reports and each has different affects on Executive Branch Departments and Agencies. Committee staff members prepare the first type of report. While it may convey important information, it is not authoritative. The second type is the report that accompanies a House (or Senate) version of a bill. This report is primarily explanatory and lays out reasoning for the bill that is under consideration on the floor. The third type of report is the conference report, which is issued by both chambers jointly following conference deliberations. The language and requests for information in this report are, by custom and tradition, often honored by Executive Branch organizations, even though it is not law. Not abiding by it may cause the Member who inserted it in the first place to include it in law the following year, perhaps with more stringent requirements.

²⁰ In the case of most authorization bills, the Senate and House begin work on them independently, but almost simultaneously. Although informal contacts may keep members apprised of what the other chamber is doing, there is no formal collaboration until the conference. For appropriations measures, the Senate normally awaits the House version, then amends that bill. The amended appropriations bill becomes the basis for the conference.

When both chambers pass the bill, it is sent to the White House for the President's signature (or veto.) If the President signs the bill, it becomes law. If the President vetoes the bill, it is returned to the House and Senate, where it can be put to a vote again. If the bill then passes both chambers with a two-thirds majority, it becomes law. A bill may also become law if the President does not sign it and fails to return it to Congress within 10 days when Congress is still in session. Once the bill becomes law, the Committee has oversight responsibility to ensure the Executive Branch adheres to its provisions.

(2) Hearings:²¹ Hearings are the principal means by which Committees and Subcommittees collect information to support their legislative activities. There are different types of hearings: oversight hearings, designed to examine the implementation of policies by the Executive; investigative hearings, which examine allegations of wrongdoing; and, in the case of the Senate, confirmation hearings, which review the qualifications of individuals nominated by the Administration for senior Executive Branch positions. Hearings are one of the most visible and effective formal methods for Committees to influence the seven key processes.

Typically, hearings begin in the appropriate Subcommittee; however, they also occur at meetings of the full Committee. Both parties may recommend witnesses, and all Members may question them for specified periods of time, depending on the rules that are in force. Hearings may be supplemented by staff research. Occasionally, this research will take on the proportions of a major study (e.g., the staff study that accompanied the Goldwater-Nichols Act of 1986, which reformed the Department of Defense.)

In addition to hearings on bills, Committee and Subcommittees hold hearings for other reasons that include spotlighting particular issues. This type of hearing may include oversight hearings and focus on a particular issue, program, or Executive Branch action in relation to the appropriate law. Hearings may be held as a way of scrutinizing Administration actions or pressuring the Administration to act in certain ways.

For example, the International Relations Committee has jurisdiction over interventions and declaration of war (see paragraph 2.) Because it has jurisdiction it can hold hearings that are designed to shape Administration policy with respect to specific interventions.

Committee and Subcommittee Chairs have broad latitude in structuring hearings regardless of type. They decide on witnesses and they often organize or "stage manage" proceedings so that testimony supports their position. Usually, Members from the minority party will have some latitude to negotiate their own witnesses, and/or they may treat those witnesses chosen by the majority in a hostile manner. In the House, a Committee requires a quorum of at least two members to conduct a hearing.

Committee staffs often prepare packets prior to hearings that include copies of the witnesses' written testimony and suggested lines of questioning. Separate packets are often prepared for majority and minority Members and reflect Chair (or Ranking Member) and party

²¹ Information sources on hearings include: Richard Sachs, Types of Committee Hearings, CRS Report for Congress, (Washington, D.C.: Congressional Research Service, March 30, 1999) and Richard C. Sachs and Carol Hardy Vincent, Hearings in the House of Representatives: A Guide for Preparation and Conduct, CRS Report for Congress, (Washington, D.C.: Congressional Research Service, August 10, 1999.)

views. In the House, hearings follow a standard format: opening statements from the Chair and Ranking Member, introduction of witnesses and, in investigative hearings, their swearing in, oral testimony by witnesses, and questioning of witnesses by Members present. After the hearing, the staff may draft a summary of testimony (see subparagraph (3)(a) below); in addition, Committees typically print transcripts in the Congressional Record.

(3) Reports: Reports provide information, instructions, and rationale for Committee decisions. There are several types of reports:

(a) Hearing Reports. These are produced by Committee or Subcommittee staff to record testimony, questions, and answers from hearings. They are records of events, and the Committee or Subcommittee does not usually vote on them. While they contain important information, they are not authoritative.

(b) Reports that Accompany Legislative Actions. These are primarily informational and explanatory. They may contain directions for Executive Branch activities (such as a requirement to conduct an investigation or prepare a report.) These directions are not legally binding, but are often honored by custom and tradition. The alternative to honoring report directives is to risk having them included in law the following year, perhaps with more stringent requirements. (For example, a Department that does not honor a report direction for a semiannual report to Congress may find that the next year's authorizing legislation requires a quarterly submission.)

(c) Investigative Reports. Such reports deal with specific matters, activities, or programs over which the Committee has jurisdiction. If the Committee issues them, they are voted out. If the staff issues them, they may be voted out or released by the Committee Chair.

(d) Conference Reports. Conference reports describe the reconciliation agreements made by conference committees concerning specific legislation. Conference reports contain requests and directives that, while not law, are customarily honored. They are prepared by either the House or the Senate, usually on a rotating basis, and they accompany the reconciled legislation to each chamber. The conference committee votes these reports out.

		Strategy Development	Policy, Guidance, and Regulations	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing
Products	Hearing Reports	✓	✓			✓	✓	✓
	Bill/Resolution Report	✓			✓	✓		✓
	Committee/Staff Reports	✓				✓		✓
	Conference Report	✓				✓		✓
	Subpoenas					✓		✓
	Committee Amendments	✓				✓		✓
Roles	Oversight		✓			✓		✓

B. Strategy Development:²²

(1) Major Activities: Although the Committee on International Relations does not participate directly in Administration processes that develop national security strategy, hearings and studies can influence Administration's strategic options. Through the hearing process described in paragraph 5.A., the Committee can influence the Administration's assessment of strategic options by identifying those it supports and those it considers unacceptable. It can also issue Committee and staff reports that spotlight issues and help focus public attention on strategic options and policies.

By constructing authorization bills (and other legislation) that regulate various aspects of international relations, the Committee can affect the structure of the foreign policy establishment and enhance or restrict its latitude to implement the strategy it develops. Also, through authorization bills, it can limit or enhance funding, which impacts options for strategy development. Through conferences to reconcile differences in House and Senate versions of authorization bills, Members can influence Senators to accept their views.

In addition to these measures, if the Committee Chair is powerful and well respected in the House, the Administration may discard some strategic options that the Chair opposes if they are seen as politically risky in terms of House approval. This is not to suggest that Administrations are unwilling to challenge Committee Chairs on matters the Administration believes are important. The evidence suggests the opposite to be the case. However, during strategy development, Administration officials are likely to take into consideration the prevailing sentiment on the Hill as reflected in a powerful Chair's pronouncements. This is especially true, given the Committee's authorizing power, which can influence structure and operating procedures or place limits on how funds can be expended for strategy implementation.

²² The narrative that follows discusses Committee activities in terms of the processes the U.S. Commission on National Security /21st Century prescribed and according to the definitions it stipulated. Congressional staff interviewed indicated that, from their perspective, Committees deal primarily with policy and oversight and that everything the Committee does falls into one of these two categories.

(2) Major Stakeholders: The Executive Branch (especially the State Department and related activities), various political constituents, and special interest groups, such as political action groups representing the interests of a country or region, depending on the issue.

(3) Key Organizational Processes: Committee and Subcommittee level hearings and reports.

(4) Associated Higher-Level Processes: Authorization and appropriation law.

(5) Associated Lower-Level Processes: Preparation of the National Security Strategy and other major strategy documents by the Executive Branch.

C. Policy, Guidance, and Regulation:

(1) Major Activities: The Committee influences policy, guidance, and regulation through reports and legislation. By reporting out of Committee and achieving a majority vote on the floor of the House, bills and accompanying reports make policy and craft regulations. For example, the Foreign Affairs Reform and Restructuring Act of 1998 shaped the structure and size of the Department of State and related activities (e.g., abolished the Arms Control and Disarmament Agency and placed the U.S. Agency for International Development under the direct supervision of the Secretary of State.)²³ (See paragraph 5.A. for a description of the Committee and Subcommittee processes.)

(2) Major Stakeholders: The Executive Branch and various political constituencies.

(3) Key Organizational Processes: Committee and Subcommittee level hearings and report preparation.

(4) Associated Higher-Level Processes: Authorization bill preparation.

(5) Associated Lower-Level Processes: Administration-proposed legislation.

D. Planning: The Committee on International Relations has no involvement in planning.

E. Mission Execution: The Committee on International Relations has no involvement in mission execution in the sense that it can command and control Executive Branch organizations. However, it can exert influence on how the Administration manages ongoing missions through hearings and/or introduction of legislation that supports or impedes operations. Knowing that the Committee may take up (and perhaps limit through authorization language) important Administration actions during an ongoing mission can act as a brake on Administration options. In the extreme, it is conceivable that the Committee could refuse to authorize appropriations for an ongoing operation, although it has traditionally supported fielded forces, even if it disagrees with the policy that fielded them.

²³ Public Law 105-277.

F. Observation, Orientation, Oversight:

(1) Major Activities: The Committee fulfills its oversight responsibilities by conducting hearings and preparing reports. (See paragraphs 5.A. and 5.C. See also discussion of authorization procedures in paragraph 5.H.)

(2) Major Stakeholders: Executive Branch agencies with international relations responsibilities, including the Department of State; various political constituents.

(3) Key Organizational Processes: Committee—and Subcommittee—level hearings.

(4) Associated Higher-Level Processes: Authorization and appropriations law.

(5) Associated Lower-Level Processes: President's Budget preparation.

G. Preparation: The Committee is generally not involved in preparation, although provisions of authorizing language may impact the way in which Executive Branch Agencies prepare. For example, the House International Relations Committee reported to the House legislation to change the Foreign Service career system, mandating the creation of a Senior Foreign Service category, among other reforms. The legislation was passed by House and Senate and enacted as the Foreign Service Act of 1980.

H. Resourcing:

(1) Major Activities: All of the Committee's products have resource implications. The Committee produces the State Department authorization bill and foreign aid authorization bills. Authorizing legislation constitutes the legal basis for Department and Agency operations, structures Departments and Agencies, prescribes responsibilities, and authorizes Appropriations Committees to fund programs such as foreign aid. In essence, it tells Departments or Agencies what they can commit funds to, and it tells appropriations Subcommittees how much funding to allow.

Theoretically, Appropriations Committees cannot appropriate funds without authorizing legislation, nor can they appropriate funds in excess of the amounts authorized when amounts are specified. Conversely, appropriations measures are not to contain authorization—or legislative—language. In practice, however, the distinctions are blurred. For example, the last time the Committee on International Relations reported out an authorization bill for the State Department was 1993 (for fiscal year 1994), yet the Department continues to be funded. And Appropriators routinely include legislative provisions in appropriations bills. For instance, the fiscal year 1995 Omnibus Appropriations Bill provides that levels of assistance to Israel and Egypt are contingent upon progress under the Camp David Accords.²⁴

In addition to authorizing the expenditure of funds, authorization legislation can organize and structure organizations and often contain directives or proscriptions with respect to responsibilities and actions. They also can establish operational processes and procedures;

²⁴ Report Number 104-863, September 28, 1996, p. 133.

specify personnel policies; and direct the Department or Agency to conduct studies and provide reports. And they can require interaction with other Departments and Agencies.

In terms of resourcing, authorizing legislation usually provides some indication of funding levels, either specifically or in general. Authorization bills are "ceilings," appropriations bills are "floors." An authorization act may make a specific amount of money available and restrict its use to certain activities. In this case, the Appropriations Committees may not appropriate more than that amount, although it may appropriate less. On the other hand, Authorizing legislation may be general: "In order to provide the State Department with dependable, flexible and adequate source of funding for its expenses . . . before an international tribunal . . . the International Litigation Fund [ILF] shall be available without fiscal limitation."²⁵ Finally, authorizing language may be restrictive: ". . . funds credited to the ILF shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming."²⁶ Finally, authorization bills frequently contain "earmarks." Earmarking is a technique by which funds are authorized for a particular program or activity, reflecting a Member's interest in that program and his/her ability to generate support for it among colleagues.

As a rule, authorizations do not extend beyond a few fiscal years and often are made for only a year, although some authorizations are permanent and continue until modified by new authorizing legislation. Limiting authorizations to a few years allows Authorizing Committees an opportunity to frequently review Department and Agency performance. As one observer noted, "temporary authorizations are a short leash Congress can pull to compel changes in an agency's policies or actions."²⁷ Yet, despite formidable rules, appropriations do occur even when there is no current authorization. The Department of State, for which the last authorizing bill was passed in 1993, serves as an example. Appropriating in the absence of authorizations is not unconstitutional *per se*.

Because both chambers must pass bills before sending them to the President for signature, House-Senate conferences occur routinely. When the International Relations Committee reports out an authorization bill that is passed by the House, the Chair and Ranking Member of the Committee select Members to meet with Senators from the Committee of Foreign Relations to reconcile differences in the House and Senate versions.

These conferences typically require several meetings, which may or may not be held on sequential dates. In other words, a conference might begin in July and not conclude its business until September. Usually, most compromises are brokered by staff and presented to Senators and their House counterparts for approval. When one side agrees to accept the language proposed by the other, it is said to have receded to the point. While receding is common and occurs as a result of compromises, sometimes conferees craft language that is different from what either chamber's bill contained at the outset of the conference.

²⁵ Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Section 113.

²⁶ Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Section 113.

²⁷ Schick, p. 117.

Once the conference has resolved differences, a common version of the bill (together with a report that describes the compromises made during conference) is provided to the respective chambers for deliberation and approval. Once both houses pass the measure, it is sent to the White House for the President's signature and becomes public law.

Usually, the Appropriations Committee does not wait for authorizing legislation before preparing and considering appropriations. This process is often nearly independent of the authorizing deliberations.²⁸ (See Chapter 1 in this volume.)

(2) Major Stakeholders: Executive Office of the President; Department of State and related activities and agencies; various political constituents including non-governmental organizations that depend on United States Agency for International Development for grants and contracts.²⁹ (In the past, authorizing legislation has placed "strings" on how money may be provided to non-governmental organizations.)

(3) Key Committee Processes: Committee and Subcommittee-level hearings and reports, staff investigations.

(4) Associated Higher-Level Processes: Appropriations.

(5) Associated Lower-Level Processes: Administration processes for preparing budget requests.

6. Informal National Security Process Involvement. There are no informal processes that are so fixed that they apply across a large number of events. Most informal processes are focused on information gathering and issue resolution. These are described in the following subparagraphs.

A. Contacts with Administration Officials: In addition to formal hearings, written testimony, and written responses to questions, informal contacts with Administration officials occur throughout the process. Both Members and staffers hold informal discussions, and part of the purpose of these contacts is to determine true needs and to separate them from nice-to-have programs. The Committee staff will usually develop long-term networks of contacts in the Department of State and its related activities and the Department of Defense. At present, the Minority staff also maintains in-depth relations with the National Security Council (NSC) Staff; NSC-Majority staff relations are less cordial. The contacts also provide Members and staff with ranges of options and with the basis for trade-offs during formal negotiations.

Informal contacts with Administration officials offer Members a means to influence Administration choices and behavior with respect to policy and budget matters. Conversely, since Administrations are not monolithic, these contacts give the Executive Branch official who hold views inconsistent with Administration policy, an opportunity to express them.

²⁸ The authorizing-appropriating formula is not enshrined in the Constitution but originated in the mid-1860s. Before that time, single committees both authorized and appropriated, usually in one piece of legislation. Because the system is a creation of Congress, Congress could change it if it so desired, and it sometimes chooses to ignore it altogether.

²⁹ A key USAID operating technique is to engage nongovernmental organizations to carry out actual development activities. Over the years a substantial number of these organizations have come to depend on this system. If appropriations are delayed, some of them may lobby Congress in an effort to expedite them.

B. Contacts with other Members: If a Member is a member of the Committee on International Relations, getting his/her priorities considered and into a bill for which the Committee has jurisdiction is not difficult. Generally, the Subcommittees honor requests by their members and those of other Subcommittee members. For Members who do not serve on the Committee, the task is more daunting. Each year the number of requests exceeds capacity, which requires Members on the Subcommittees to make choices among competing requests from their colleagues. The tendency is to ensure that every Member receives at least some of what he/she requests in order to ensure support for bills on the floor and to build alliances for other matters. Attempts to do this are marked by personal negotiations between Members and between their staff representatives.

C. Influencing the Public: Members routinely use press releases, speeches, interviews, and other means to influence public opinion either in support of or in opposition to high-priority issues. Enlisting public opinion helps Senators achieve their legislative agendas and often raises the quality and scope of debates on important issues.

7. Funding and Personnel.

A. Funding Sources: The House International Relations Committee is funded through the Legislative Branch appropriations.

B. Budget: The budget for Fiscal Year 2000 is \$11,313, 531.³⁰

C. Manpower: The International Relations Committee has a total of 49 Members, 26 Republicans and 23 Democrats. In addition, the Committee is supported by 20 majority and 11 minority professional staff members, and additional administrative staff.

8. Observations.

A. Organization and Process vs. Political Considerations: The processes and organization used by the House and its Committees are a creation of the House. Although often slower than some believe it should be, and while the House sometimes violates its own rules, the system works effectively. When legislation is delayed, it is most often because of political considerations or differences, not the way the House is organized or the processes it chooses to prosecute its business. The Committee on International Relations' jurisdiction tends to line up effectively with Administration Departments, most prominently the Department of State.

B. The Power of the Chair: Under House rules Committee and Subcommittee Chairs have tremendous authority over matters under their jurisdiction. By determining which proposals will be reported out to the floor, by sanctioning authoritative reports to accompany these proposals, and by managing floor debate, the Chairs often determine which proposals will become the law of the land. The most powerful Chairs are those that are subject matter experts and are respected by other Members for their knowledge. At a time when some have suggested that Members of Congress are becoming more specialized, many Members rely on consultations with respected peers to determine how they will vote on issues.³¹ If this trend continues, Chairs

³⁰ House Resolution 101, March 23, 1999, Section 1.

³¹ Interviews. Because issues are becoming more complex and more information is available about them, Members often tend to focus more on specific areas.

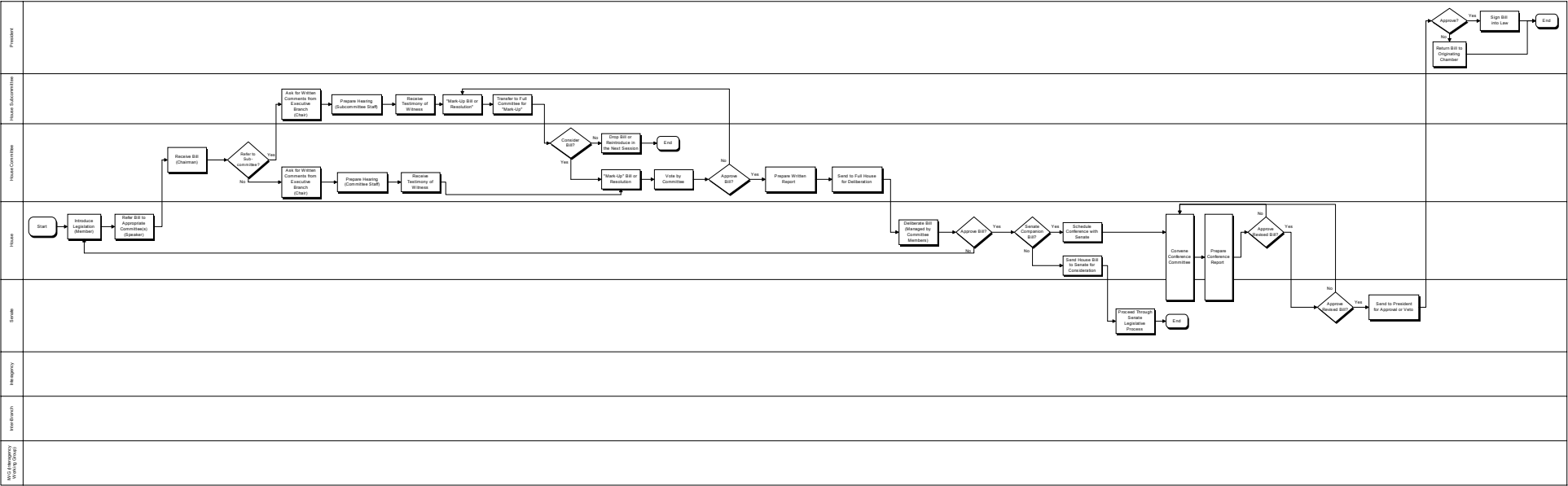
and other Members who are acknowledged as experts by their peers will become more influential in shaping debate outcomes.

C. Jurisdictional Issues: Although most Committees have lists of their jurisdictions, actual division of responsibilities is not clear cut. There are overlapping issues that often involve intense discussions and often are unresolved. Export controls is one area of such overlapping jurisdiction. During the 105th Congress, legislation regulating the exports of strong encryption products involved five different Committees of the House: Commerce, Judiciary, Armed Services, International Relations, and Permanent Select Committee on Intelligence. Each Committee amended the underlying legislation according to its particular perspectives on national security, resulting in mark-ups of the same base bill strongly at odds with and on some provisions directly contradictory to each other. The 105th Congress was unable to resolve the differences among the five Committees' versions of the bill and the legislation was never acted upon by the full House.³² As the definition of national security expands to cover issues with security, commercial, and other dimensions, this problem is likely to recur.

³² Author's personal experience as a staffer to a Member who participated in both the House National Security Committee (predecessor of the current Armed Services Committee) and Permanent Select Intelligence Committee mark-ups of the encryption legislation.

APPENDICES

House Committee on International Relations - Key Process - (Formal) - Legislative Process



ORGANIZATIONAL DESCRIPTION

HOUSE COMMITTEE ON THE BUDGET



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

House Committee on the Budget

Overview

The House Budget Committee focuses on the enforcement of laws that outline the budget process. The Congressional Budget and Impoundment Control Act of 1974 established the Committee as a standing committee in the House of Representatives. It sets Congressional policy and budgetary priorities by drafting the House version of the annual concurrent budget resolution. The resolution guides the Congressional budget process and defines aggregate spending amounts.

Organization

The House Budget Committee is one of 19 standing committees in the House of Representatives and has no subcommittees. The Chair of the House Budget Committee and the Ranking Minority Member head the committee and are selected for these positions by the House Leadership. The Budget Committee consists of 43 Representatives and 29 professional staff.

Role in Formal and Informal National Security Processes

The House Budget Committee recommends to House and House entities proposals on the budget, which when adopted as the annual budget resolution, help establish Congressional budget policies and priorities. The budget resolution sets aggregate topline funding levels for each functional budget category, which includes national security activities.

Observations

In general, the House Budget Committee maintains oversight of budgetary issues, while the authorizing and appropriating committees have control over the specific agencies and program details. Therefore, the Congressional budget process and adoption of the concurrent budget resolution offer Members of Congress the only opportunity to vote on—and take responsibility for—the size of the budget deficit, total spending and budget priorities.¹ The Congressional Budget Act defines the budget process and calls for a budget resolution. Technically, this resolution is binding—it is internal rulemaking, however, and not law. In the absence of a budget resolution, the appropriations committees can move ahead with funding legislation regardless of whether a budget resolution has passed.

¹ Schick, Allen. The Federal Budget: Politics, Policy, Process. Washington, DC: The Brookings Institution. 1995.

ORGANIZATIONAL DESCRIPTION

HOUSE COMMITTEE ON THE BUDGET

1. Legal Specifications, Authorizations, and Responsibilities.

A. Congressional Statutes: Article I, Section 5, clause 2 of the Constitution provides that each chamber of Congress has the authority to determine the rules governing its procedures. More specifically, the House Budget Committee was established by Title I of Public Law 93-344, the Congressional Budget and Impoundment Control Act of 1974. The purpose of this law was to provide a focal point for Congress to establishing annual debt, surplus, and spending allocations. The Budget Committee sets the overall budget, however, within which the authorization and appropriations process work. In addition to creating a standing committee in the House of Representatives, the law amends the Rules of the House of Representatives and Senate to improve Congressional control and involvement in the budget process and instituted Congressional activities to guide budget procedures. The legislation established a formal timetable for the Congressional budget process and created the Congressional Budget Office (CBO).

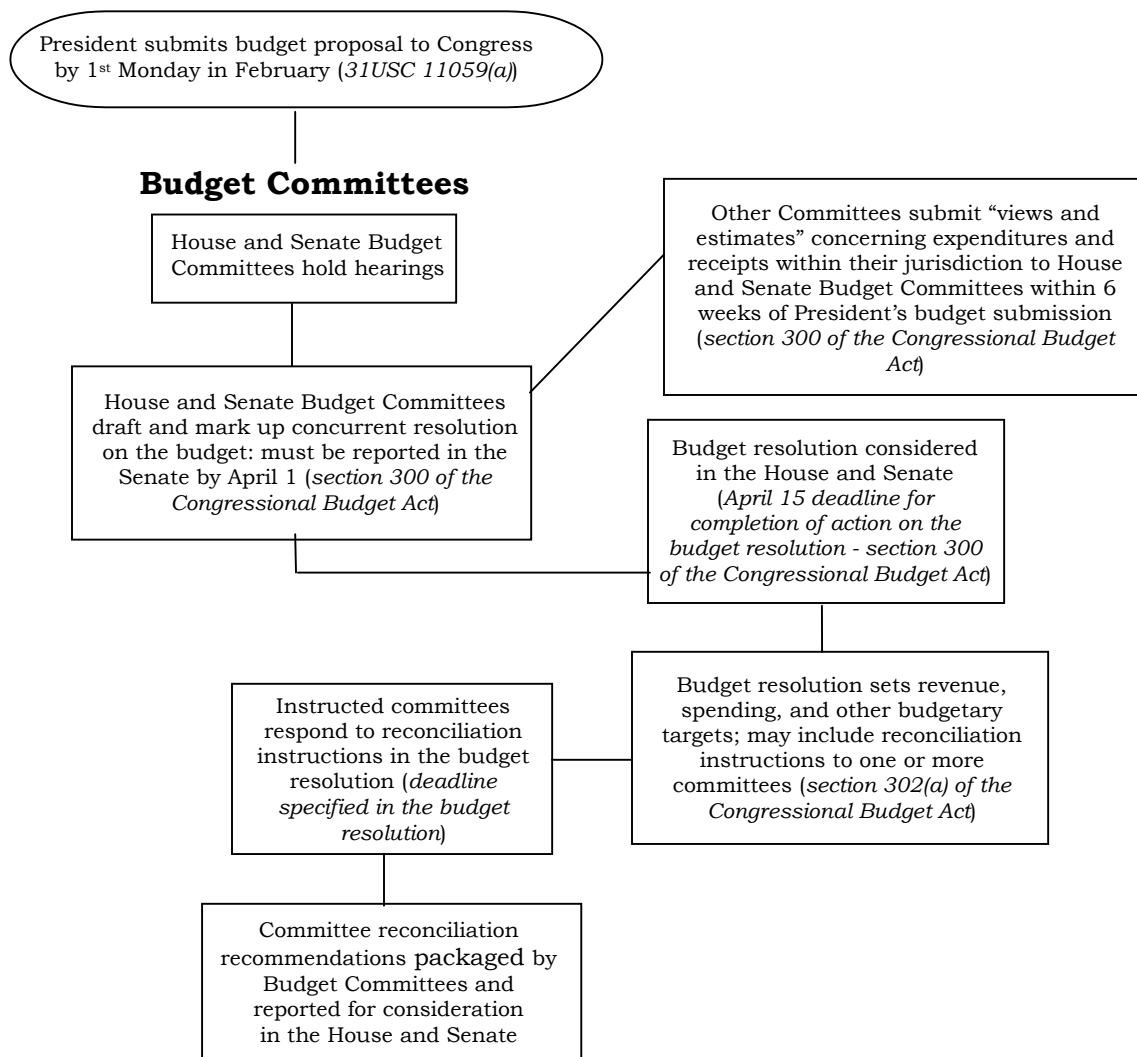


Figure 1. Timetable for Budget Committee Annual Action²

B. Department/Agency Directives: Other legislation directing the activities of the House Budget Committee include:

(1) The Budget and Accounting Act of 1921 created a more centralized approach to financial policy and processes in both the executive and legislative branches, and established a framework to balance the budget authority of the President and the Congress. The Act systematized the Presidential budget process, created the Bureau of the Budget (later to become the Office of Management and Budget (OMB)), and created the General Accounting Office (GAO), which acts as the government's auditor and reports directly to Congress.

² Extracted from table of the annual budget process. James V. Saturno, The Congressional Budget Process: A Brief Overview. CRS Report for Congress. (Order Code RS20095) 1 March, 1999.

(2) The Balanced Budget & Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings Act) was an effort to establish “maximum deficit amounts” as the budget deficit continued to increase.³ The Act modified the Congressional budget process in order to enforce the maximum deficit amounts and provided for the progressive reduction of the Federal budget deficit to zero by fiscal year 1991.

(3) The Budget Enforcement Act of 1990 replaced the enforcement mechanisms of the Balanced Budget and Emergency Deficit Control Act by shifting deficit targets from fixed to adjustable, establishing caps on discretionary spending, and establishing a pay-as-you-go requirement for direct spending and revenue legislation. The Budget Enforcement Act also provided both Executive Branch and Congressional enforcement mechanisms. These mechanisms include Executive Branch sequestration action and legislative procedures for reconciliation, as well as dividing responsibility for budget enforcement among the Appropriations Committee and authorizing committees.

(4) The Balanced Budget Act of 1997 amends the Congressional Budget and Impoundment Control Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 by revising and clarifying procedures and reporting requirements of the Congressional Budget Office and the Budget Committees, as well as increasing the points of order enforcement mechanisms available to the Budget Committee. The Act also requires the House Budget Committee chair to submit spending allocation limits contained in the most recently agreed to budget resolution to the House if a concurrent budget resolution is not adopted by April 15.

C. Other Relevant Directives: House Rule X of the House Rules for the 106th Congress outlines the jurisdiction and related functions of the Committee on the Budget for the current Congress.

2. Missions/Functions/Purposes.

A. Major Responsibilities: The House Budget Committee was established in order to provide oversight of the Federal budget and direct and monitor the budget process. Duties of the Committee to fulfill this obligation include:⁴

(1) Estimating the total amount of new budget authority and drafting the annual concurrent resolution on the budget;

(2) Compiling the views and budget estimates from each standing committee, as well as testimony from federal departments and agencies, through hearings concerning matters to be included in the concurrent resolution;

(3) Evaluating other measures setting forth appropriate levels of budget totals for the U.S. government;

³ “The Congressional Budget Process—An Explanation.” Committee on the Budget. United States Senate.

⁴ Functions of the House Budget Committee are outlined in Rule X of the House Rules for the 106th Congress and are further detailed in the House Budget Committee Oversight Plan for the 106th Congress.

- (4) Establishing, extending, and enforcing special controls over the Federal budget;
- (5) Monitoring activities of the appropriations and authorizing committees to ensure compliance to the budget resolution;
- (6) Recommending a candidate to fill the position of the Director of the Congressional Budget Office;
- (7) Considering proposals to improve and enforce budgetary decisions;
- (8) Requesting and evaluating studies of tax incentives and direct spending by the federal government;
- (9) Overseeing studies on the effect of budget outlays of existing and proposed legislation, and requesting and evaluating continuing studies of tax expenditures; and
- (10) Evaluating the relationship between monetary policy and the Federal budget and the effects of monetary policy on the Federal budget.

B. Subordinate Activities and Agencies: The Committee maintains oversight of the CBO, which provides independent economic and budgetary data to Congress—separate from the President's budgetary analysis provided by the Office of Management and Budget (OMB)—and formulates its own economic analysis. Additionally, CBO evaluates the economic impact of the President's budget proposal and the Congressional budget resolution.⁵

3. Vision and Core Competencies.

A. Vision: None published.

B. Core Competencies: The House Budget Committee's core competencies are guiding the budget process by means of an annual concurrent budget resolution that sets fiscal and budgetary policy and maintains oversight of the budget process. This process parallels the budget process in the Senate, and the House and Senate Budget Committees are in close consultation throughout the process.

(1) The House Budget Committee drafts an annual budget resolution that covers five fiscal years: the next fiscal year, for which appropriations and other budget actions are pending in Congress, and four out-years.⁶ The budget resolution is distinguished from other funding legislation first, because it is a resolution as opposed to a bill. A resolution is an act of Congress but is not sent to the President for signature and does not have the force of law.

⁵ "Defense Budget Process." Center for Strategic and Budgetary Assessments, (<http://www.csbahome.com/defensebudgetprocess.htm>)

⁶ Schick, Allen.

"Instead, it is enforced through the rules and procedures of each chamber."⁷ A concurrent resolution addresses issues or matters affecting both the House and the Senate.

Second, the concurrent budget resolution determines the topline funding for functional budget categories. These functional categories do not specify agency or program funding, but rather group together related programs that may be implemented by a variety of agencies and/or departments. The twenty functional categories include national defense; international affairs; general science, space and technology; energy; natural resources and environment; agriculture; commerce and housing credit; transportation; community and regional development; education, training, employment, and social services; health; medicare; income security; social security; veterans benefits and services; administration of justice; general government; net interest; allowances; and undistributed offsetting receipts.

(2) The House Budget Committee maintains responsibility for formal oversight of the budget process. In doing so, the Committee will study continually the effect on the budget outlays of relevant existing and proposed legislation and report the results of the studies to the House.⁸

4. Organizational Culture.

A. Leadership Traditions: Following Congressional elections and prior to the beginning of the Congressional session, each party conference (or caucus) will meet. The party conferences serve as an organizational forum to elect party leaders. Membership of each party conference consists of the respective party members. The Republican Party Conference and the Democratic Party Caucus maintain separate rules, and the House Leadership will act according to those rules depending on which party is in the majority. The party conferences' steering committees make committee assignments and nominate members to fill committee chair positions that have become vacant. The full party conference will vote to approve the nominations. Then, the full House will adopt a measure confirming these appointments within seven days of the commencement of the Congressional session.⁹

Normally, a committee chair maintains his/her position unless the party leadership is extremely unhappy with the past performance of the chair and his/her political commitments. Committee chairs are elected by secret ballot. Traditionally, the senior majority Member on a committee becomes the chair and the senior minority Member becomes the Ranking Member of a committee.¹⁰

Members of the House Budget Committee are elected officials and are politically motivated with regard to efforts on the Committee. In order to rotate Members on the Committee, each Member of the House Budget Committee is restricted to a term limit of four

⁷ "106th Congress: Key Issues and Early Agenda." Congressional Research Service Report for Congress. 31 December, 1998. p. 8.

⁸ House Rules for the 106th Congress, 3.(b).

⁹ House Rules for the 106th Congress, Rule X, 5.(a)(1).

¹⁰ The exception to this practice is the House Rules Committee, which is known as the Speaker's Committee, and the House Administration Committee. Because of the extremely influential nature of these committees, the Speaker of the House appoints Members to these committees and names the chairs.

Congressional sessions in a period of six successive Congresses, with the exception of the Members from the Majority and Minority Leadership. However, a Member may extend his/her service on the Budget Committee if he/she holds the position of Budget Committee Chair during his/her fourth Congressional session of service; he/she may serve as Chair for one additional Congressional session.¹¹

Also outlined in House Rule X, the House Budget Committee members will consist of one Member from the Majority Leadership, one Member from the Minority Leadership, five Members who simultaneously sit on the House Appropriations Committee and five Members who sit on the House Ways & Means Committee. Currently, there are 24 Republican Members and 19 Democratic Members on the Committee.

B. Staff Attributes: Professional staff for the House Budget Committee serve either on the majority or minority staff and are assigned to work directly for the Chair or the Ranking Member. While the professional staff may remain the same for a particular Congressional session, upon the turnover to a new Congressional session, the professional staff may be replaced to accommodate the new Committee Members. The Committee is allowed not more than 30 professional staff members, who are appointed by majority vote of the Committee Members. Currently, there are 29 professional staff for the House Budget Committee.

C. Strategy: The House Budget Committee does not publish a strategy document.

¹¹ House Rules for the 106th Congress. Rule X, 5.(a)(2)(B) and (C).

D. Organization Chart: The House Budget Committee of the 106th Congress is one of 19 standing committees in the House of Representatives and has no subcommittees.

House Committee on the Budget

Republicans (24)	Democrats (19)
John Kasich* (OH)—Chair Saxby Chambliss* (GA) Christopher Shays (CT) Wally Herger (CA) Bob Franks (NJ) Nick Smith (MI) Jim Nussle (IA) Peter Hoekstra (MI) George Radanovich* (CA) Charles Bass (NH) Gil Gutknecht (MN) Van Hilleary* (TN) John Sununu* (NH) Joseph Pitts* (PA) Joe Knollenberg* (MI) William Thornberry* (TX) Jim Ryun* (KS) Mac Collins (GA) Zach Wamp* (TN) Mark Green (WI) Ernie Fletcher (KY) Gary Miller (CA) Paul Ryan (WI) Pat Toomey (PA)	John Spratt, Jr. * (SC)—Ranking Member Jim McDermott (WA) Lynn Rivers (MI) Bennie Thompson (MS) David Minge (MN) Ken Bentsen (TX) Jim Davis* (FL) Robert Weygand (RI) Eva Clayton (NC) David Price (NC) Edward Markey (MA) Gerald Kleczka (WI) Bob Clement (TN) James Moran* (VA) Darlene Hooley (OR) Kenneth Lucas (KY) Rush Holt (NJ) Joe Hoeffel* (PA) Tammy Baldwin (WI)

* Indicates Member also sits on the House Appropriations Committee.

★ Indicates Member also sits on the House Armed Services Committee.

✚ Indicates Member also sits on the House International Relations Committee.

5. Formal National Security Process Involvement. The House Budget Committee is involved in the national security process by drafting a budget resolution that establishes Congress' budget policies and priorities through aggregate funding and revenue levels. The aggregate funding levels represent topline figures for the functional budget categories that include national defense; international affairs; general science, space, and technology; energy; transportation; and administration of justice. Additionally, the Committee monitors the budget process and oversees that the appropriated funds are used as designated by the Federal budget.

After receiving the President's budget request in January or February, the House Budget Committee holds hearings to collect testimony from Administration officials, academia, experts from the business community and other Members of Congress. The House and Senate Budget Committees are the only committees to hold hearings on the entire budget. The Administration officials called before the Committee are usually the Director of the Office of Management and

Budget and the Chair of the Federal Reserve Board, among others. The Director of OMB will use this opportunity to advocate the President's budget proposal and answer questions concerning the budget. The Chair of the Federal Reserve Board will provide an analysis of the effects of the President's budget submission on monetary policy. The Director of the Congressional Budget Office also testifies, providing an independent analysis of the economic and budgetary effects of the President's budget proposal. Typically, senior national security officials from DoD and the Department of State (DoS) will testify before the Budget Committee to justify the topline spending request for their departments.

Other Congressional committees review the President's budget submission, but do not hold hearings on the budget *per se*. They report comments to the Budget Committee approximately six weeks following release of the budget. These "views and estimates" reports highlight policy changes proposed by the committees.¹²

The House Budget Committee considers the testimony from hearings and the views and estimates reports when drafting the concurrent budget resolution. This input allows the Committee "to gain a broad understanding of budget issues and Congressional sentiment."¹³ As the Senate also will draft a budget resolution, any conflicting issues between the two resolutions will be worked out in a conference committee.

Both chambers of Congress should pass the budget resolution by April 15; however, this deadline often is not met. While the authorization and appropriations processes are theoretically dependent upon passage of the budget resolution in order to move forward, authorizers and appropriators will begin work on their respective bills regardless of the status of the budget resolution.

A. Strategy Development: The House Budget Committee currently has no role in strategy development.

B. Policy Guidance and Regulation: The House Budget Committee provides guidelines for Congressional appropriators by defining funding parameters for each functional budget category through passage of the concurrent budget resolution. The budget resolution is legally nonbinding and is established for internal use within the Congress. The concurrent budget resolution is not a law and is not signed by the President.

The aggregate amount of funding set forth in the budget resolution serves as a guideline for Congressional appropriators and tax writers, who should adhere to the resolution in making revenue and spending decisions.¹⁴ In theory, budget goals outlined in the Congressional budget resolution are implemented through the 13 appropriations bills. However, often the appropriators ignore the budget resolution when drafting funding legislation. In these cases, enforcement mechanisms established in the 1974 Budget Act permit the Budget Committee to sustain the aggregate spending and revenue levels. (See paragraph 5E. for further explanation.)

C. Planning: The House Budget Committee currently has no role in planning.

¹² Schick, Allen.

¹³ Schick, Allen. p. 77.

¹⁴ Schick, Allen.

D. Mission Execution: The House Budget Committee currently has no role in mission execution.

E. Observation, Orientation, and Oversight: In general, the House Budget Committee maintains control over the funding allocations while other committees have control over programs. Therefore, through the reconciliation process, as designated by the Congressional Budget Act of 1974, the House Budget Committee maintains oversight of the authorization, appropriations and tax-writing committees regarding compliance with the budget resolution. In essence, the goal of the reconciliation process is to offset spending increases with revenue increases and revenue decreases with spending decreases.

The reconciliation process was first used in 1980 and is not implemented every year. This process instructs committees, "in the budget resolution, to develop legislation by a particular deadline that conforms existing revenue and direct spending law to budget resolution policies."¹⁵ The House Budget Committee will issue "reconciliation instructions" to the committees that have made legislative funding or revenue changes that do not achieve the savings or deficit reduction that the Budget Committee has outlined in the budget resolution. Each committee that has been issued reconciliation instructions will draft a bill to implement the changes recommended by the Budget Committee. The draft bills provided by each committee will be consolidated into one "reconciliation bill." While the House Budget Committee has no other means to ensure that committees comply with the reconciliation process, these committees often act accordingly.

Once the reconciliation bill reaches the House floor, debate is limited by a rule established by the House Rules Committee and the House Leadership. The rule will specify restrictions that apply to debate time and amendments offered to the bill. If it were not for the influential role of the media, the bill possibly might be viewed as contentious legislation because it includes spending cuts and tax increases, both of which are politically dangerous for a Member to support. However, because the media has labeled the bill in more favorable terms, calling it the "deficit reduction bill," Members end up winning political support for their efforts to reduce the deficit and achieve public savings, instead of losing support by voting for tax increases and spending cuts.

The Budget Committee also enforces the budget resolution through points of order.¹⁶ Points of order are parliamentary devices that allow Members to object to proposed legislation, amendments, or Congressional action that violate the rules governing consideration of the budget resolution. A point of order may be waived if the House adopts "special rules" that bypass the point of order. Additionally, other procedural mechanisms may be used to bypass points of order, such as unanimous consent or suspension of the rules.

The House Budget Committee together with the Senate Budget Committee maintain oversight of the Congressional Budget Office, which was established to provide Congress with

¹⁵ "106th Congress: Key Issues and Early Agenda." Congressional Research Service Report for Congress. 31 December, 1998. p. 8.

¹⁶ "Points of order are prohibitions against certain types of legislation or Congressional actions." Saturno, James V. "Points of Order in the Congressional Budget Process." Congressional Research Service Report 97-865. Updated April 15, 1999.

an “independent source of objective, expert and non-politicized budget estimates and economic projections.”¹⁷

F. Preparation: The House Budget Committee currently has no direct role in preparation.

G. Resourcing: The main product of the House Budget Committee, the budget resolution, does not allocate funding for specific programs or accounts for Executive Branch agencies and programs. Rather, the budget resolution establishes the aggregate amount of the Federal budget and breaks down the funding into 20 functional areas of federal spending [see paragraph 3B. (1)].

6. Informal National Security Process Involvement. House Budget Committee staff maintain continuous informal relationships with OMB and CBO staff. Daily conversations at the staff level assist Budget Committee staff in collecting detailed information and answering specific questions on the President's budget submission. OMB staff also may use this informal information exchange and the relationships with Congressional staff developed through this process to advocate the President's budget proposal. (See Volume II, Chapter 3 entitled "Office of Management and Budget.")

7. Funding and Personnel.

A. Authorization and Appropriations: The authority establishing the House Budget Committee is the Congressional Budget and Impoundment Control Act of 1974, and the rules governing the committee's conduct are outlined in the House Rules for each Congress. Funding for the Committee is appropriated by the House Appropriations Legislative Subcommittee.

B. Funding Sources: The House Budget Committee is funded through the Legislative Branch appropriations.

C. Budget: The fiscal year 2000 budget for the House Budget Committee is \$9,940,000.

D. Personnel: Currently, the House Budget Committee includes 43 Members of the House of Representatives and 29 full-time professional staff.

8. Observations.

A. Observations: Under the Congressional Budget and Impoundment Control Act of 1974, a formal time frame and budget process has been established. However, it is important to note that this is a relatively new process—only 25 years old.¹⁸ While the 1974 Budget Act provides a framework to guide Congress in preparing revenue and spending measures, Congress' ultimate goal is to ensure funding is available for the new fiscal year. Therefore, the House will

¹⁷ Tomkin, Shelly Lynne. Inside OMB: Politics and Process in the President's Budget Office. Armonk, N.Y.: M.E. Sharpe, 1998. p. 141.

¹⁸ Prior to the 1860's, there was only one process in funding government agencies and programs. It was not until the 1860's that the budget process was broken down into the authorization and appropriations processes. Interview with Congressional Research Service (CRS) staff. 24 September, 1999.

move forward with the authorization and appropriations process regardless of passage of the budget resolution.

While this is the formal process laid out in the 1974 Budget Act, political maneuvering can override budget procedures by use of parliamentary procedures. Therefore, this process serves only as a guideline for Congress and the Budget Committee. The formal budget process is sometimes ignored altogether due to conflicting political objectives and personalities within the committees involved in enacting appropriations bills (budget, authorization and appropriations) and within Congress in general. For example, through reconciliation instructions, the Budget Committee is authorized to enforce the topline spending amounts for each functional budget category if appropriators exceed their cap. However, depending on the seniority, influence and political position of an appropriations subcommittee chair or the Appropriations Committee Chair, the spending caps may be waived (through rules and parliamentary procedures) when the bill is addressed on the House floor.

As the United States approaches a new era of budget surpluses, the budget process may be redesigned to manage surpluses just as the current budget process was established to manage budget deficits. Currently, there is a proposal in the House of Representatives to modify the budget process. The Comprehensive Budget Process Reform Act of 1999 (H.R. 853) proposes to increase enforcement mechanisms and includes provisions to manage emergency spending and increase accountability and Congressional oversight.

B. Significant Informal Processes: As is the nature of the Congressional institution, completion of the budget resolution is accompanied by “extensive behind-the-scenes consultations involving both Members and staff of other committees. The consultations serve to build support for the budget resolution and flesh out the program assumptions underlying the functional allocations.”¹⁹ If a budget resolution is not completed, appropriators traditionally defer to the House Budget Committee figures.²⁰ Despite House rules requiring that a budget resolution be in place in order to begin authorization legislation, the authorization and appropriation processes will move forward regardless of the absence of a budget resolution.

¹⁹ Schick, Allen. p. 77.

²⁰ Interview with Congressional staff member. 13 August, 1999.

ORGANIZATIONAL DESCRIPTION

HOUSE COMMITTEE ON SCIENCE



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

House Committee on Science

Overview

The House Committee on Science originated in order to develop a U.S. strategy to match the space exploration activities of the former Soviet Union in the late 1950s.¹ Its primary focus is on nonmilitary research and development, including:

- Scientific research;
- Energy research and development;
- Technological innovation;
- Science and math education;
- Materials policy;
- Robotics;
- Technical manpower; and
- Nuclear waste disposal.

Organization

The House Science Committee is one of 19 permanent standing committees in the House of Representatives and has four subcommittees:

- Basic Research;
- Energy and Environment;
- Space and Aeronautics; and
- Technology.

Role in Formal and Informal National Security Processes

In the Committee's evolution, its jurisdiction expanded to foster continued research and development in areas other than space exploration in an effort to compete with and exceed the Soviet Union's technological developments. Although the Committee's jurisdiction focuses on

¹ The House Science Committee was originally established as the Select Committee on Astronautics and Space in 1958, but the following year it was made a permanent standing committee in the House. The standing committee was named the House Committee on Science and Astronautics, but was changed in 1994 to the House Committee on Science.

nonmilitary research and development, many technological advancements achieved through Science Committee legislative initiatives have military functions. Similarly, many federally funded research and development programs have resulted in providing knowledge and new technologies applied in both commercial and military applications. As a former Science Committee chairman noted, "science, space, and technology [are] the well-spring for generating the new wealth for America's future economic growth and long-term stability."²

Observations

A committee's jurisdiction is often ambiguous and possibly overlaps with the jurisdiction of other committees. In these cases, each committee has its own ideas and objectives on how to approach an issue and the outcomes will vary depending upon the goals of the committee. Furthermore, each Member is driven by his/her own political motivations on a particular issue, possibly resulting in conflicts within a committee or between committees on how to address the particular issue.

Because of the broad jurisdiction of the House Science Committee, many of the issues addressed by the Committee cross the boundaries of other committees' jurisdiction, encroaching on the jurisdiction of other committees including those that manage military and national security issues. In managing these issues, there will be close coordination and informal consultations between the Members and staff from all committees involved.

² "History of the Committee on Science, 105th Congress." House Committee on Science. U.S. House of Representatives. (<http://www.house.gov/science/history.htm>).

ORGANIZATIONAL DESCRIPTION

HOUSE COMMITTEE ON SCIENCE

1. Legal Specifications, Authorizations, and Responsibilities. Article I, Section 5, clause 2 of the Constitution provides that each chamber of Congress has the authority to determine the rules governing its procedures.

A. Congressional Statutes: The House Science Committee was originally established as the Select Committee on Astronautics and Space by House Resolution 496 in 1958. The following year, the Rules of the House were modified to create a permanent standing committee from the Select Committee. The standing committee was named the House Committee on Science and Astronautics. In 1994, when the Republican party won majority in Congress, the House Republican Conference changed the committee's name to the House Committee on Science.

B. Other Relevant Directives: House Rule X of the House Rules for the 106th Congress outlines the jurisdiction and related functions of the Committee on Science for the current Congress.

2. Missions/Functions/Purposes.

A. Major Responsibilities: House Rule X, "Organization of Committees," in the Rules of the House for the 106th Congress stipulates that all bills, resolutions, and other matters relating to subjects within the jurisdiction of the House Science Committee are referred to the Committee. The Committee's jurisdiction includes:

- (1) National Aeronautics and Space Administration;
- (2) The National Space Council;
- (3) The National Science Foundation;
- (4) The National Weather Service (Department of Commerce);
- (5) National Institute of Standards and Technology (Department of Commerce), standardization of weights and measures, and the metric system;
- (6) Outer space, including exploration and control thereof;
- (7) Scientific research, development, and demonstration, and projects therefor;
- (8) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories;
- (9) Commercial application of energy technology;
- (10) Astronautical research and development, including resources, personnel, equipment, and facilities;

- (11) Civil aviation research and development;
- (12) Environmental research and development;
- (13) Marine research; and
- (14) Science scholarships.

B. Subordinate Activities and Agencies:

- (1) Subcommittee on Basic Research;
- (2) Subcommittee on Energy and Environment;
- (3) Subcommittee on Space and Aeronautics; and
- (4) Subcommittee on Technology.

3. Vision and Core Competencies.

A. Vision: The Science Committee has no published vision statement.

B. Core Competencies: House Rule X .3, "Special Oversight Functions" of the Rules of the House for the 106th Congress determines that the "Committee on Science shall review and study on a continuing basis laws, programs, and Government activities relating to nonmilitary research and development."

The Science Committee originated in order to develop a U.S. strategy to match the space exploration activities of the former Soviet Union in the late 1950s. Since the Science Committee's inception, its focus has evolved from space exploration and aeronautical research and development to encompass scientific research, energy research and development, technological innovation, science and math education, materials policy, robotics, technical manpower, and nuclear waste disposal.

The Committee advocates and supports federal agencies involved in research and development activities. Through legislative initiatives, oversight and regulation, the Committee plays a key role in "stress[ing] the fundamental importance of federal science programs to the nation."³

4. Organizational Culture.

A. Values: The Science Committee has no published values statement.

B. Leadership Traditions: Following Congressional elections and prior to the beginning of the Congressional session, each party conference (or caucus) elects party leaders.

³ "Views & Estimates of the Committee on Science for Fiscal Year 2000." 106th Congress. Committee on Science. U.S. House of Representatives.

Membership of each party conference consists of the respective party members. The Republican Party Conference and the Democratic Party Caucus maintain separate rules, and the House leadership will act according to those rules depending on which party holds the majority. The party conferences' steering committees make committee assignments and nominate members to fill committee chair positions that have become vacant. The full party conference votes to approve the nominations. Then, the full House adopts a measure confirming these appointments within seven days of the commencement of the Congressional session.⁴

Committee chairs are elected by secret ballot. Normally, the committee chair maintains his/her position unless the party leadership is extremely unhappy with the past performance of the chair and his/her political commitments. Traditionally, the senior majority Member on a committee becomes the chair and the senior minority Member becomes the ranking member of a committee.⁵

Members of the House Science Committee are elected officials and are politically motivated with regard to efforts on the Committee. Currently, there are 25 Republican Members and 22 Democratic Members on the Committee.

C. Staff Attributes: Professional staff for the House Science Committee serve either on the majority or minority staff and are assigned to work directly for the Chair or the Ranking Member. While the professional staff may remain the same for a particular Congressional session, upon the turnover to a new Congressional session, the professional staff may be replaced to accommodate the new Committee Members. Professional staff are appointed by majority vote of the Committee Members and currently, there are approximately 54 professional staff for the House Science Committee. There are five staff for the Basic Research Subcommittee, five staff for the Energy and Environment Subcommittee, five staff for the Technology Subcommittee, and six staff for the Space and Aeronautics Subcommittee.

D. Strategy: The House Science Committee does not maintain an organizational strategy document.

E. Organization Chart: The House Science Committee is one of 19 standing committees in the House of Representatives and has four subcommittees as shown on the following chart:

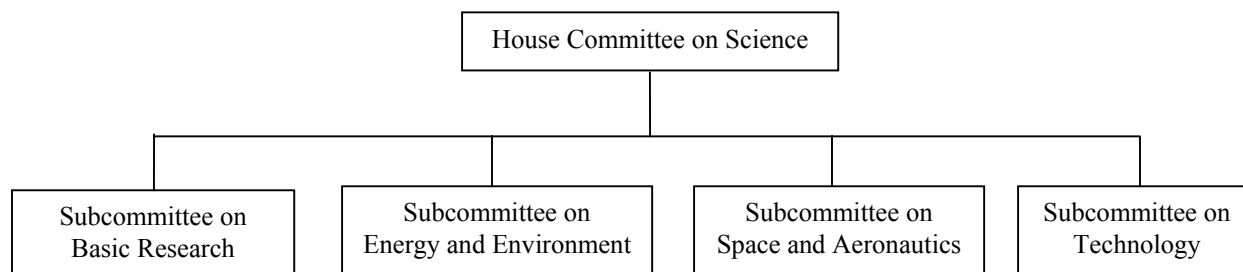


Figure 1: Organization of the House Committee on Science

⁴ House Rules for the 106th Congress, Rule X, 5.(a)(1).

⁵ The exception to this practice is the House Rules Committee, which is known as the Speaker's Committee, and the House Administration Committee. Because of the extremely influential nature of these committees, the Speaker of the House appoints Members to these committees and names the chair.

(1) Committee on Science

Membership of the House Committee on Science for the 106th Congress is shown below:

Republicans (25)	Democrats (22)
F. James Sensenbrenner, Jr. (WI)—Chair	George E. Brown, Jr. (CA)—Ranking Member
Sherwood L. Boehlert (NY)	Ralph M. Hall (TX)
Lamar Smith (TX)	Bart Gordon (TN)
Constance A. Morella (MD)	Jerry F. Costello (IL)
Curt Weldon* (PA)	James A. Barcia (MI)
Dana Rohrabacher* (CA)	Eddie Bernice Johnson (TX)
Joe Barton (TX)	Lynn C. Woolsey (CA)
Ken Calvert (CA)	Lynn N. Rivers (MI)
Nick Smith (MI)	Zoe Lofgren (CA)
Roscoe G. Bartlett* (MD)	Michael F. Doyle (PA)
Vernon J. Ehlers (MI)	Sheila Jackson-Lee (TX)
Dave Weldon (FL)	Debbie Stabenow (MI)
Gil Gutknecht (MN)	Bob Etheridge (NC)
Thomas W. Ewing (IL)	Nick Lampson (TX)
Chris Cannon (UT)	John B. Larson (CT)
Kevin Brady* (TX)	Mark Udall (CO)
Merrill Cook (UT)	David Wu (OR)
George R. Nethercutt, Jr.* (WA)	Anthony D. Weiner (NY)
Frank D. Lucas (OK)	Michael E. Capuano (MA)
Mark Green (WI)	Vacancy
Steven Kuykendall* (CA)	Vacancy
Gary G. Miller (CA)	Vacancy
Judy Biggert (IL)	
Marshall Sanford* (SC)	
Jack Metcalf (WA)	

* Indicates Member also sits on the House Appropriations Committee.

★Indicates Member also sits on the House Armed Services Committee.

✚Indicates Member also sits on the House International Relations Committee.

The full Committee Chair and Ranking Member serve as *ex-officio* members on each of the Subcommittees. At the discretion of the Chair, the full Committee addresses measures favorably reported out of the Subcommittees and, on occasion, measures reported unfavorably by the Subcommittees. Therefore, the issues addressed by the full Committee are varied due to the wide range of topics addressed by the Subcommittees as a whole.

(2) Subcommittee on Basic Research

Republicans (9)	Democrats (7)
Nick Smith —Chair Sherwood L. Boehlert Lamar Smith Constance A. Morella Gil Gutknecht Thomas W. Ewing Frank D. Lucas Judy Biggert	Eddie Bernice Johnson —Ranking Member Bob Etheridge Lynn C. Woolsey John B. Larson Lynn N. Rivers Michael F. Doyle

The Basic Research Subcommittee oversees issues and programs concerning all scientific research and scientific and engineering resources and those Federal agencies that administer the programs. Topics the Subcommittee is responsible for and possibly have national security aspects include: intergovernmental mechanisms for research, development, and demonstration and cross-cutting programs; international scientific cooperation; computer, communications, and information science; earthquake and fire research programs; research and development relating to biomedical programs; and to the extent appropriate, geological, and biological research. The agencies that fall under the Subcommittee's jurisdiction and that have the greatest potential for direct national security impact include:

- Office of Science and Technology Policy (Executive Office of the President) and
- The National Science Foundation.

(3) Subcommittee on Energy and Environment

Republicans (10)	Democrats (8)
Ken Calvert —Chair Curt Weldon Joe Barton Dana Rohrabacher Vernon J. Ehlers Dave Weldon Gary G. Miller Judy Biggert Jack Metcalf	Jerry F. Costello —Ranking Member Michael F. Doyle Ralph M. Hall James A. Barcia Eddie Bernice Johnson Zoe Lofgren Vacancy

The Energy and Environment Subcommittee is responsible for issues and programs concerning energy supply research and development activities. More specific issues and programs that possibly have national security aspects include: nuclear and other advanced energy technologies; uranium supply, enrichment, and waste management activities, as appropriate; fossil energy research and development; energy conservation research and development; measures relating to the commercial application of energy technology; science and risk assessment activities of the Federal Government; and all activities related to weather; weather services; climate and the atmosphere; and oceanic research. The agencies that fall under the

Subcommittee's jurisdiction and that have the greatest potential for direct national security impact include:

- Department of Energy research, development and demonstration programs;
- Department of Energy laboratories;
- Environmental Protection Agency research and development programs; and
- National Oceanic and Atmospheric Administration (Department of Commerce).

(4) Subcommittee on Space and Aeronautics

Republicans (16)	Democrats (14)
Dana Rohrabacher—Chair	Bart Gordon —Ranking Member
Lamar Smith	Ralph M. Hall
Joe Barton	Zoe Lofgren
Ken Calvert	Sheila Jackson-Lee
Roscoe G. Bartlett	Nick Lampson
Vernon J. Ehlers	Debbie Stabenow
Curt Weldon	Bob Etheridge
Chris Cannon	John B. Larson
Kevin Brady	Mark Udall
Merrill Cook	David Wu
George R. Nethercutt, Jr.	Anthony D. Weiner
Frank D. Lucas	Vacancy
Mark Green	Vacancy
Steven Kuykendall	
Marshall Sanford	

The Space and Aeronautics Subcommittee oversees issues and programs concerning national space policy. Those issues and programs that have national security aspects that the Subcommittee is responsible for include: access to space; suborbital access and applications; space commercialization; exploration and use of outer space; international space cooperation; space applications, space communications and related matters; and Earth remote sensing policy. The agencies that fall under the Subcommittee's jurisdiction and that have the greatest potential for direct national security impact include:

- National Aeronautics and Space Administration;
- Department of Transportation activities relating to commercial space; and
- Department of Commerce activities relating to commercial space issues.

(5) Subcommittee on Technology

Republicans (12)	Democrats (10)
Constance A. Morella—Chair Curt Weldon Roscoe G. Bartlett Gil Gutknecht Thomas W. Ewing Chris Cannon Kevin Brady Merrill Cook Mark Green Steven Kuykendall Gary G. Miller	James A. Barcia—Ranking Member Lynn N. Rivers Debbie Stabenow Mark Udall David Wu Anthony D. Weiner Michael E. Capuano Bart Gordon Vacancy

The Technology Subcommittee oversees issues and programs concerning competitiveness with regard to technology. The Subcommittee's involvement in national security aspects of competitiveness include: technology transfer; international technology trade; patent and intellectual property policy; standards and standardization of measurement; legal and governmental policies as they relate to technological development and commercialization; civil aviation research, development, and demonstration; surface and water transportation research, development, and demonstration programs; materials research, development, and demonstration and policy; and biotechnology policy. The agencies that fall under the Subcommittee's jurisdiction and that have the greatest potential for direct national security impact include:

- The National Institute of Standards and Technology (Department of Commerce);
 - The National Technical Information Service (Department of Commerce);
 - Department of Transportation research, development, and demonstration activities;
- and
- Federal Aviation Administration (Department of Transportation) research, development, and demonstration programs.

5. Formal National Security Process Involvement. The House Science Committee's focus is determined by its jurisdiction as outlined in the House Rules and the specific efforts of the chair. The Science Committee plays a lead role in formulating policy regarding research and development, most of which impacts national security.

The Science Committee was created during the height of the Cold War to develop a space exploration strategy to match and compete with the Soviet space program. The need to achieve space exploration capabilities came about because of the threat the Soviet space program posed for the security of the United States. In advancing this new frontier of space exploration, the Science Committee faced a new challenge of formulating policy and creating agencies (such as the National Aeronautical and Space Administration) to protect U.S. national security interests in space and to counter potential Soviet nuclear strikes on the United States from space. The research and technological advancements achieved by the House Science Committee and the

agencies under its jurisdiction improved military tactical and defense capabilities in the past decades, as well as promoted innovative use of space exploration capabilities for commercial purposes.

As it evolved, the Committee's jurisdiction expanded research and development in areas other than space exploration in an effort to develop policy for competing with and exceeding the Soviet Union's technological developments. Although the Committee's jurisdiction focuses on nonmilitary research and development, many technological advancements achieved through Science Committee legislative initiatives resulted in the creation or enhancement of military tools. Similarly, many federally funded research and development programs provided knowledge and new technologies for both commercial and military applications.

In the early 1980's, the Committee's jurisdiction expanded to include technological innovation, science and math education, materials policy, robotics, technical manpower, and nuclear waste disposal. During this period, there was recognition that the United States should not be dependent upon the resources and technology of other nations in these areas. This led to an increased focus on energy research programs for renewable and alternative energy sources.

The Committee continues to foster research and development programs to "improve US technological competitiveness."⁶ Additionally, the Committee has encouraged private sector involvement in research and development through legislation that provides for technology transfers and licensing agreements between federal laboratories and industry. Other Committee initiatives are designed to encourage cost sharing of research and development programs between the private sector and federal agencies. As a former Science Committee chairman noted, "science, space, and technology [are] the well-spring for generating the new wealth for America's future economic growth and long-term stability."⁷

A. Strategy Development: The House Science Committee currently has no role in strategy development.

B. Policy Guidance and Regulation: The Committee maintains legislative jurisdiction over guiding policy, special oversight, and investigative authority on matters relating to science policy; energy and environmental research, development, and demonstration; astronautical and aeronautical research and development; and competitiveness.⁸ (See Paragraph 4.E. for a discussion of the specific issues, programs, and agencies the Science Committee regulates.)

C. Planning: The House Science Committee currently has no direct role in national security planning.

D. Mission Execution: The House Science Committee currently has no direct role in mission execution.

E. Observation, Orientation, and Oversight: The House Science Committee has oversight authority over a number of federal government programs and the agencies that

⁶ "History of the Committee on Science, 105th Congress." House Committee on Science. U.S. House of Representatives. (<http://www.house.gov/science/history.htm>).

⁷ "History of the Committee on Science, 105th Congress."

⁸ Rule 3. "Subcommittees." Committee on Science. Rules of the House for the 106th Congress.

administer the programs. In its observation and oversight capacity, the Committee and Subcommittees will hold hearings to collect information on the effectiveness and success of the agencies for which it has jurisdiction. (See Paragraph 4.E.) In Committee and Subcommittee hearings, Members will hear from agency representatives, private sector experts and academia, think tanks, and other Members of Congress.

F. Preparation: The House Science Committee currently has no direct role in preparation, but its oversight of science and technology, and research and development strongly influences the fielding of future systems.

G. Resourcing: The Science Committee is the authorizing committee for the government agencies outlined in each Subcommittee's jurisdiction. (See Paragraph 4.E.) Therefore, the Committee has "legislative jurisdiction over laws that set up or continue the operations of federal programs and provide the legal basis for making appropriations for those programs. Authorizing committees also have direct control over spending for mandatory programs since the Government's obligation to make payments for such programs is contained in the authorizing legislation."⁹

6. Informal National Security Process Involvement. Science Committee staff and subcommittee staff maintain continuous informal relationships with Administration officials within the White House and the Office of Management and Budget, other Executive Branch staff responsible for policy development, and the agencies for whom the Committee has authorizing jurisdiction. Additionally, Committee staff maintain regular consultations with their counterparts in the Senate and staff of the agencies the Committee has jurisdiction over. Regular conversations at the staff level assist the Committee and Subcommittee staff in collecting detailed information, answering specific questions relating to the operations of the agencies and programs that the Committee and Subcommittees oversee, and remaining abreast of current issues under their responsibility. Administration staff also may use this informal information exchange and the relationships with Congressional staff developed through this process to advocate the Administration's policy positions and positions of particular government agencies.

7. Funding and Personnel.

A. Authorization and Appropriations: House Resolution 496 first established The Committee on Science as the Select Committee on Astronautics and Space in 1958. The Committee then was authorized as a permanent standing committee by the Rules of the House of Representatives.

B. Funding Sources: The House Science Committee is funded through the Legislative Branch appropriations.

C. Budget: The fiscal year 2000 budget for the House Science Committee is \$8,931,726.

D. Personnel: Currently, the House Science Committee consists of 47 Members of the House of Representatives and approximately 54 full-time professional staff.

⁹ "The Congressional Budget Process—An Explanation." Appendix I: Glossary. Committee on the Budget. United States Senate. (http://www.senate.gov/~budget/republican/reference/cliff_notes/cliffapi.htm).

8. Observations. A committee's jurisdiction is often ambiguous and possibly overlaps with the jurisdiction of other committees. In these cases, each committee has its own ideas and objectives on how to approach an issue and the outcomes will vary depending upon the goals of the committee. Furthermore, each Member is driven by his/her own political motivations on a particular issue, possibly resulting in conflicts within a committee or between committees on how to address the particular issue and what the committee's priorities are. Because of the broad jurisdiction of the House Science Committee, many of the issues addressed by the Committee cross the boundaries of other committees' jurisdiction, including issues related to national security policy. For example, the Science Committee's jurisdiction may overlap with that of the House Armed Services Committee on issues such as research and development activities with military implications/applications; nuclear energy issues with aspects concerning national security; and strategic and critical materials necessary for the common defense.¹⁰ In managing these issues, there will be close coordination and informal consultations between Members and staff from each committee involved.

Efforts to complete legislative initiatives are accompanied by behind-the-scenes bargaining between Members and staff of both parties and with other committees that may share jurisdiction on a particular issue. The Speaker of the House holds a great deal of power through coordinating consultations with the minority party and persuading majority party Members to adopt the party position on certain issues.

¹⁰ House of Representatives Committee on Armed Services. "Oversight Plan for the 106th Congress." (<http://www.house.gov/hasc/billsandreports/106thcongress/plan106.htm>).

ORGANIZATIONAL DESCRIPTION

**HOUSE COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE**



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

House Committee on Transportation and Infrastructure

Overview

The House Transportation and Infrastructure Committee has broad jurisdiction over a variety of government agencies and issues relating to:

- The U.S. Coast Guard;
- The U.S. Army Corps of Engineers
- Maritime safety;
- Port security;
- Disaster relief;
- Roads and waterways that carry America's commerce and people;
- Seashore erosion;
- Managing man-made pollution;
- Rural and urban watershed; and
- Economic development of depressed areas around the country.

The Committee drafts legislation that regulates industries for the protection of consumers and the environment and maintains oversight of distribution systems for interstate commerce (transportation systems).

Organization

The House Transportation and Infrastructure Committee is one of 19 standing committees in the House of Representatives and has six subcommittees:

- Aviation;
- Coast Guard and Maritime Transportation;
- Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation;
- Ground Transportation;
- Oversight, Investigations, and Emergency Management; and

- Water Resources and Environment.

Role in Formal and Informal National Security Processes

The House Transportation and Infrastructure Committee maintains broad jurisdiction and oversight of many federal agencies including some with direct involvement in national security functions, such as the U.S. Coast Guard, the U.S. Army Corps of Engineers, the Department of Transportation, the Economic Development Administration (EDA), and the Federal Emergency Management Agency (FEMA). With this oversight and regulatory responsibility, the Committee has the opportunity to impact policy development and the national security activities of these agencies and programs through drafting the authorization and regulatory legislation for these government agencies and through other legislative initiatives.

Observations

The Transportation and Infrastructure Committee's jurisdiction is defined broadly, but generally it is responsible for the facilities, equipment, and process that allow the transportation system to function (e.g., highways, railroads, waterways, airports, and ports). However, the Committee's jurisdiction does not include oversight of other aspects of "critical infrastructures" that relate to national security. For example, the Committee is not responsible for the banking and finance, telecommunications, and healthcare infrastructures. The Committee has only limited jurisdiction over the power and energy infrastructure as it relates to pipeline transportation. There is no one committee in Congress that manages or oversees all aspects of infrastructure.

A committee's jurisdiction is often ambiguous and possibly overlaps with the jurisdiction of other committees. In these cases, each committee has its own ideas and objectives on how to approach an issue and the outcomes vary depending upon the goals of the committee. Furthermore, each Member is driven by his/her own political motivations on a particular issue, possibly resulting in conflicts within a committee or between committees on how to address the particular issue.

Completing legislative initiatives is accompanied by extensive behind-the-scenes bargaining between Members and staff of both parties and with other committees that may share jurisdiction on a particular issue. Because of the broad jurisdiction of the House Transportation and Infrastructure Committee, many of the issues addressed by the Committee cross the boundaries of other committees, encroaching on the jurisdiction of other committees including those that manage military and national security issues. In managing these issues, there will be close coordination and informal consultations between the Members and staff from all committees involved.

In drafting legislation that may possibly have national security implications, Members weigh carefully a bill's impact on American national security while also trying to appease constituents, constituent companies, and other special interest groups. In order for Members to maintain favorable public opinion, they need to advocate the benefits for each of their constituents of investing in efforts to protect America's national security interests.

ORGANIZATIONAL DESCRIPTION

HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

1. Legal Specifications, Authorizations, and Responsibilities. Article I, Section 5, clause 2 of the Constitution provides that each chamber of Congress has the authority to determine the rules governing its procedures.

A. Congressional Statutes: The House Transportation and Infrastructure Committee was first established as the Committee on Public Works under the House Reorganization Act of 1946. This Act was an effort to bring structure and organization to the standing committee system in the House of Representatives. Under the 1946 Act, the Committee on Public Works was created by consolidating the Committees on Public Buildings and Grounds (created 1837), Rivers and Harbors (created 1883), Roads (created 1813), and Flood Control (created 1916). In 1995, the Committee was renamed the Committee on Transportation and Infrastructure and its jurisdiction was expanded to include oversight of navigable waterways, federal management of emergencies and natural disasters, and oil and other pollution of waterways.¹

B. Other Relevant Directives: House Rule X of the House Rules for the 106th Congress outlines the jurisdiction and related functions of the Committee on Transportation and Infrastructure.

2. Missions/Functions/Purposes.

A. Major Responsibilities: House Rule X, "Organization of Committees," in the Rules of the House for the 106th Congress stipulates that all bills, resolutions, and other matters relating to subjects within the jurisdiction of the House Transportation and Infrastructure Committee are referred to the Committee. The Committee's jurisdiction includes:

- (1) U.S. Coast Guard (part of the Department of Transportation), including lifesaving service, lighthouses, lightships, ocean derelicts, and the Coast Guard Academy;
- (2) Merchant marine (except for national security aspects thereof);
- (3) Federal management of emergencies and natural disasters;
- (4) Flood control and improvement of rivers and harbors (U.S. Army Corps of Engineers);
- (5) Transportation, including civil aviation, railroads, water transportation, transportation safety (except automobile safety), transportation infrastructure, transportation labor, and railroad retirement and unemployment (except revenue measures related thereto);
- (6) Inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels;

¹ Vincent, Carol Hardy and Bullock, Faye M. "Committees of the United States House of Representatives." CRS Report for Congress (95-608 GOV). Updated September 10, 1995.

- (7) Oil and other pollution of navigable waters, including inland, coastal, and ocean waters;
- (8) Marine affairs, including coastal zone management, as they relate to oil and other pollution of navigable waters;
- (9) Inland waterways;
- (10) Navigation and laws relating thereto, including pilotage;
- (11) Registering and licensing of vessels and small boats;
- (12) Rules and international arrangements to prevent collisions at sea;
- (13) The Capitol Building and the Senate and House Office Buildings;
- (14) Construction or maintenance of roads and post roads (other than appropriations therefor);
- (15) Construction or reconstruction, maintenance, and care of buildings and grounds of the Botanic Garden, the Library of Congress, and the Smithsonian Institution;
- (16) Purchase of sites and construction of post offices, customhouses, federal courthouses, and Government buildings within the District of Columbia;
- (17) Public buildings and occupied or improved grounds of the United States generally;
- (18) Public works for the benefit of navigation, including bridges and dams (other than international bridges and dams);
- (19) Related transportation regulatory agencies;
- (20) Roads and the safety thereof; and
- (21) Water power.

B. Subordinate Activities and Agencies:

- (1) Subcommittee on Aviation;
- (2) Subcommittee on Coast Guard and Maritime Transportation;
- (3) Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation;
- (4) Subcommittee on Ground Transportation;
- (5) Subcommittee on Oversight, Investigations and Emergency Management; and

(6) Subcommittee on Water Resources and the Environment.

3. Vision and Core Competencies.

A. Vision: The House Transportation and Infrastructure Committee has no published vision statement.

B. Core Competencies: The House Transportation and Infrastructure Committee has broad jurisdiction over a variety of government agencies and issues relating to the regulation of roads and waterways that carry America's commerce and people; seashore erosion; managing man-made pollution; rural and urban watershed; disaster relief; and economic development of depressed areas around the country. The Committee drafts legislation that regulates industries for the protection of consumers and the environment and maintains oversight of distribution systems for interstate commerce (transportation systems).

4. Organizational Culture.

A. Values: The House Transportation and Infrastructure Committee has no published values statement.

B. Leadership Traditions: Following Congressional elections and prior to the beginning of the Congressional session, each party conference (or caucus) elects party leaders. Membership of each party conference consists of the respective party members. The Republican Party Conference and the Democratic Party Caucus maintain separate rules and the House leadership will act according to those rules depending on which party holds the majority. The party conferences' steering committees make committee assignments and nominate members to fill committee chair positions that have become vacant. The full party conference votes to approve the nominations. Then, the full House adopts a measure confirming these appointments within seven days of the commencement of the Congressional session.²

Committee chairs are elected by secret ballot. Normally, a committee chair maintains his/her position unless the party leadership is extremely unhappy with the past performance of the chair and his/her political commitments. Traditionally, the senior majority Member on a committee becomes the chair and the senior minority Member becomes the ranking member of a committee.³

Members of the House Transportation and Infrastructure Committee are elected officials and are politically motivated with regard to efforts on the Committee. In the 106th Congress, there are 41 Republican Members and 34 Democratic Members on the Committee.

C. Staff Attributes: Professional staff for the House Transportation and Infrastructure Committee serve either on the majority or minority staff and are assigned to work directly for the Chair or the ranking member. While the professional staff may remain the same for a particular

² House Rules for the 106th Congress, Rule X, 5.(a)(1).

³ The exception to this practice is the House Rules Committee, which is known as the Speaker's Committee, and the House Administration Committee. Because of the extremely influential nature of these committees, the Speaker of the House appoints Members to these committees and names the chair.

Congressional session, upon the turnover to a new Congressional session, the professional staff may be replaced to accommodate the new Committee Members. Professional staff are appointed by majority vote of the Committee Members and currently, there are approximately 82 majority and minority professional staff for the House Transportation and Infrastructure Committee. There are nine staff for the Aviation Subcommittee, six staff for the Coast Guard and Maritime Transportation Subcommittee, five staff for the Economic Development Subcommittee, ten staff for the Ground Transportation Subcommittee, 11 staff for the Oversight Subcommittee, and nine staff for the Water Resources Subcommittee.

D. Strategy: The House Transportation and Infrastructure Committee does not maintain an organizational strategy document.

E. Organization Chart: The House Transportation and Infrastructure Committee is one of 19 standing committees in the House of Representatives and has six subcommittees as shown on the following chart:

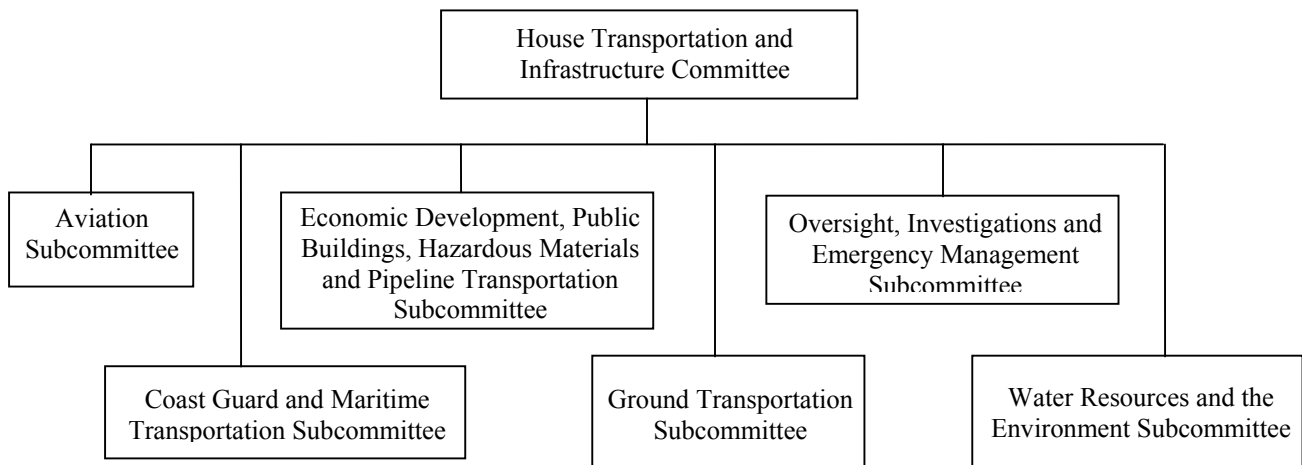


Figure 1: Organization of the House Committee on Transportation and Infrastructure

(1) House Committee on Transportation and Infrastructure

Membership of the Committee for the 106th Congress is depicted below:

Republicans (41)	Democrats (34)
Bud Schuster (PA)—Chair Don Young (AK) Thomas E. Petri (WI) Sherwood L. Boehlert (NY) Herbert H. Bateman* (VA) Howard Coble (NC) John J. Duncan, Jr. (TN) Thomas W. Ewing (IL) Wayne T. Gilchrest (MD) Stephen Horn (CA) Bob Franks (NJ) John L. Mica (FL) Jack Quinn (NY) Tillie K. Fowler* (FL) Vernon J. Ehlers (MI) Spencer Bachus (AL) Steven C. LaTourette (OH) Sue W. Kelly (NY) Ray LaHood (IL) Richard H. Baker (LA) Charles Bass (NH) Bob Ney (OH) Jack Metcalf (WA) Edward Pease (IN) Asa Hutchinson (AR) Merrill Cook (UT) John Cooksey* (LA) John Thune (SD) Frank LoBiondo (NJ) J.C. Watts, Jr. * (OK) Jerry Moran (KS) John Doolittle (CA) Lee Terry (NE) Donald Sherwood* (PA) Gary Miller (CA) John Sweeney (NY) Jim DeMint (SC) Doug Bereuter* (NE) Steven Kuykendall* (CA) Michael Simpson (ID) Johnny Isakson (GA)	James L. Oberstar (MN)—Ranking Member Nick J. Rahall II (WV) Robert A. Borski (PA) William O. Lipinski (IL) Robert E. Wise, Jr. (WV) James A. Traficant, Jr. (OH) Peter A. DeFazio (OR) Bob Clement (TN) Jerry F. Costello (IL) Eleanor Holmes Norton (DC) Jerrold Nadler (NY) Pat Danner* (MO) Robert Menendez* (NJ) Corrine Brown (FL) James A. Barcia (MI) Bob Filner (CA) Eddie Bernice Johnson (TX) Frank Mascara (PA) Gene Taylor* (MS) Juanita Millender-McDonald (CA) Elijah E. Cummings (MD) Earl Blumenauer (OR) Max Sandlin (TX) Ellen Tauscher* (CA) William J. Pascrell, Jr. (NJ) Leonard L. Boswell (IA) Jim McGovern (MA) Tim Holden (PA) Nick Lampson (TX) John Baldacci (ME) Marion Berry (AR) Ronnie Shows (MS) Brian Baird (WA) Shelley Berkley (NV)

★Indicates Member also sits on the House Armed Services Committee.

✚Indicates Member also sits on the House International Relations Committee.

The full Committee Chair and Ranking Member serve as *ex-officio* members on each of the Subcommittees. At the discretion of the Chair, the full Committee addresses measures favorably reported out of the Subcommittees and, on occasion, measures reported unfavorably by the Subcommittees. Therefore, the issues addressed by the full Committee are varied due to the wide range of topics addressed by the Subcommittees as a whole.

(2) Subcommittee on Aviation

Republicans (28)	Democrats (22)
John J. Duncan, Jr.—Chair	William O. Lipinski—Ranking Member
John Sweeney	Jerry F. Costello
Don Young	Corrine Brown
Thomas E. Petri	Eddie Bernice Johnson
Thomas W. Ewing	Juanita Millender-McDonald
John L. Mica	Elijah E. Cummings
Jack Quinn	Leonard L. Boswell
Vernon J. Ehlers	John Baldacci
Spencer Bachus	Marion Berry
Ray LaHood	Eleanor Holmes Norton
Charles Bass	Robert Menendez
Jack Metcalf	Ellen Tauscher
Edward Pease	Jim McGovern
Asa Hutchinson	Nick Lampson
Merrill Cook	Nick J. Rahall II
John Cooksey	James A. Traficant, Jr.
John Thune	Peter A. DeFazio
Frank LoBiondo	Pat Danner
J.C. Watts, Jr.	Bob Filner
Jerry Moran	Max Sandlin
John Doolittle	Tim Holden
Donald Sherwood	
Gary Miller	
Jim DeMint	
Steven Kuykendall	
Michael Simpson	
Johnny Isakson	

The Aviation Subcommittee has jurisdiction over all aspects of civil aviation and those federal agencies that administer aviation programs. The Subcommittee is responsible for the following topics that possibly have national security aspects: aviation safety, aviation infrastructure, international issues regarding aviation, the air service program, and the war risk insurance program.⁴ The agencies that fall under the Subcommittee's jurisdiction and have the greatest potential for direct national security impact include:

⁴ "Jurisdiction and Activities." Subcommittee on Aviation. House Transportation and Infrastructure Committee. 106th Congress. February 1999.

- Federal Aviation Administration (Department of Transportation), except for research activities; and
- National Transportation Safety Board.

(3) Subcommittee on Coast Guard and Maritime Transportation

Republicans (5)	Democrats (4)
Wayne T. Gilchrest—Chair Frank LoBiondo—Vice Chair Don Young Howard Coble	Peter A. DeFazio—Ranking Member Gene Taylor Brian Baird

The Coast Guard and Maritime Transportation Subcommittee is responsible for a variety of maritime issues and programs. Topics the Subcommittee oversees with national security aspects include:⁵

- Defense readiness (as it relates to the Coast Guard Reserve and port security);
- Maritime law enforcement activities (such as illegal drug interdiction and illegal migrant interdiction);
- Maritime safety (such as port safety, commercial vessel safety, domestic and international icebreaking, and search and rescue);
- Marine environmental protection (including oil pollution, plastics pollution, ocean dumping, and international agreements concerning transportation of oil and hazardous substances);
- International ocean shipping regulation;
- Unfair foreign shipping practices; and
- Other maritime transportation matters (such as coastwise transportation of merchandise and passengers, cargo preference programs, cargo and passenger liability laws, and the regulation of the domestic offshore trades).

The Subcommittee also is responsible for oversight and authorization of the government agencies that administer and oversee the above mentioned programs and participate in activities that have the greatest potential for direct national security impact. These agencies include:

- The U.S. Coast Guard (Department of Transportation);
- The Federal Maritime Commission; and

⁵ "Jurisdiction and Activities." Subcommittee on Coast Guard and Maritime Transportation. House Transportation and Infrastructure Committee. 106th Congress. February 1999.

- The Maritime Administration (Department of Transportation).

(4) Subcommittee on Economic Development, Public Buildings, Hazardous Materials, and Pipeline Transportation

Republicans (6)	Democrats (4)
Bob Franks—Chair John Cooksey—Vice Chair Thomas W. Ewing Steven C. LaTourette J.C. Watts, Jr.	Robert E. Wise, Jr.—Ranking Member Eleanor Holmes Norton Ronnie Shows

National security aspects of the Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation Subcommittee's jurisdiction include the safety of pipeline and hazardous materials transportation; construction, oversight, maintenance and enhancement of federal real estate; and development of infrastructure in communities suffering economic distress.⁶ The Subcommittee is responsible for oversight and authorization of the government agencies that administer and oversee the above mentioned programs and participate in activities that have the greatest potential for direct national security impact. These agencies include:

- The Economic Development Administration (Department of Commerce);
- Research and Special Programs Administration (Department of Transportation); and
- The Public Buildings Service (General Services Administration).

⁶ "Jurisdiction and Activities." Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation. House Transportation and Infrastructure Committee. 106th Congress. February 1999.

(5) Subcommittee on Ground Transportation

Republicans (28)	Democrats (22)
Thomas E. Petri—Chair Bob Franks – Vice Chair Sherwood L. Boehlert Herbert H. Bateman Howard Coble John J. Duncan, Jr. Stephen Horn John L. Mica Jack Quinn Tillie K. Fowler Spencer Bachus Steven C. LaTourette Sue W. Kelly Ray LaHood Richard H. Baker Charles Bass Bob Ney Jack Metcalf Edward Pease Merrill Cook John Thune Jerry Moran Lee Terry Gary Miller John Sweeney Jim DeMint Doug Bereuter	Nick J. Rahall II—Ranking Member Bob Clement Jerrold Nadler Pat Danner James A. Barcia Bob Filner Frank Mascara Max Sandlin William J. Pascrell, Jr. Tim Holden Ronnie Shows Shelley Berkley Robert A. Borski William O. Lipinski Robert E. Wise, Jr. Corrine Brown Eddie Bernice Johnson Juanita Millender-McDonald Elijah E. Cummings Earl Blumenauer Marion Berry

The Ground Transportation Subcommittee oversees issues concerning transportation infrastructure and is involved in the development of national surface transportation policy, including safety and research measures. Programs the Subcommittee oversees with national security aspects include the federal-aid highway program; the federal transit program; motor carrier safety regulation; and the federal rail safety program. Additionally, the Subcommittee has jurisdiction over all federal laws and programs regulating railroad transportation, which includes railroad regulation of hazardous materials transportation.⁷ The agencies that fall under the Subcommittee's jurisdiction and have the greatest potential for direct national security impact include:

- The Federal Highway Administration (Department of Transportation);
- The Federal Transit Administration (Department of Transportation);
- The National Highway Traffic Safety Administration (Department of Transportation);

⁷"Jurisdiction and Activities." Subcommittee on Ground Transportation. House Transportation and Infrastructure Committee. 106th Congress. February 1999.

- The Federal Railroad Administration (Department of Transportation); and
- The Surface Transportation Board (Department of Transportation).

(6) Subcommittee on Oversight, Investigations, and Emergency Management

Republicans (5)	Democrats (4)
Tillie K. Fowler—Chair Lee Terry John Doolittle Johnny Isakson	James A. Traficant, Jr.—Ranking Member Jerrold Nadler Shelley Berkley

The Oversight, Investigations and Emergency Management Subcommittee's involvement in the national security process includes responsibility for conducting investigations within the jurisdiction of the full Committee and oversight of federal management of emergencies and natural disasters (such as disaster mitigation, preparedness, response, and recovery).⁸ Additionally, the Subcommittee oversees those agencies and programs that fall within the jurisdiction of the full Committee. The primary agency it oversees is the Federal Emergency Management Agency (FEMA).

(7) Subcommittee on Water Resources and the Environment

Republicans (20)	Democrats (16)
Sherwood L. Boehlert —Chair Donald Sherwood Don Young Herbert H. Bateman Wayne T. Gilchrest Stephen Horn Bob Franks Jack Quinn Vernon J. Ehlers Steven C. LaTourette Richard H. Baker Bob Ney Asa Hutchinson Frank LoBiondo John Doolittle Doug Bereuter Steven Kuykendall Michael Simpson	Robert A. Borski —Ranking Member Gene Taylor Earl Blumenauer Brian Baird Bob Clement Jerry F. Costello Robert Menendez James A. Barcia Frank Mascara Ellen Tauscher William J. Pascrell, Jr. Leonard L. Boswell Jim McGovern Nick Lampson John Baldacci

The Water Resources and the Environment Subcommittee is responsible for matters relating to water resources development and pollution issues. Topics the Subcommittee oversees

⁸"Jurisdiction and Activities." Subcommittee on Oversight, Investigation, and Emergency Management. House Transportation and Infrastructure Committee. 106th Congress. February 1999.

with national security aspects include hazardous waste cleanup; oil dumping and pollution; conservation and management; water pollution control and water infrastructure; coastal pollution and coastal zone management; natural resource damages; groundwater protection; and water resources policy.⁹ The Subcommittee oversees and authorizes the government agencies that administer and oversee the above mentioned programs and participate in activities that have the greatest potential for direct national security impact. These agencies include:

- U.S. Coast Guard (Department of Transportation);
- Army Corps of Engineers (Department of Defense);
- National Oceanic and Atmospheric Administration (Department of Commerce); and
- Environmental Protection Agency;
- The Department of the Interior.

5. Formal National Security Process Involvement. The House Transportation and Infrastructure Committee maintains broad jurisdiction and oversight of many federal agencies including some with direct involvement in national security functions (e.g., the U.S. Coast Guard, the Department of Transportation, the Economic Development Administration, and the Federal Emergency Management Agency). With this oversight and regulatory responsibility, the Committee has the opportunity to impact policy development and the national security activities of these agencies and programs through drafting the authorization and regulatory legislation for these government agencies and through other legislative initiatives. With this oversight and regulatory responsibility, the Committee can impact the national security process by determining the scope of the mission for each agency and the programs these agencies administer.

In its oversight and regulatory functions, the Transportation and Infrastructure Committee impacts national security policy by determining and defining the role of Coast Guard participation in nonmilitary activities. Since the Committee has jurisdiction over legislation relating to the Coast Guard's nonmilitary activities, Committee members can craft the Coast Guard's authorizing legislation, direct and define the specific law enforcement activities of the Coast Guard, and define the extent of its involvement in U.S. coastal waters and in international waters. For example, in 1999 the Committee increased resources and funding for the Coast Guard's drug interdiction efforts by means of the fiscal year 2000 Coast Guard authorization legislation.¹⁰ (For a more detailed discussion of the Coast Guard's national security involvement, see Volume VII(b), Chapter 14 entitled "The United States Coast Guard".)

The Committee also impacts national security policy through its authorization and oversight of the War Risk Insurance Program, which is administered by the Department of Transportation. This program provides insurance and reinsurance to commercial airlines that provide military troop transport service to high-risk areas, such as countries at war or on the

⁹"Jurisdiction and Activities." Subcommittee on Water Resources and the Environment. House Transportation and Infrastructure Committee. 106th Congress. February 1999.

¹⁰ "House approves dramatic increase for Coast Guard drug interdiction efforts." Press Release. Transportation and Infrastructure Committee. 17 March, 1999.

verge of war. "In many cases, these flights are required to further the foreign policy or national security of the United States."¹¹

The Committee has oversight of the Civil Reserve Air Fleet (CRAF) Program. Related to the War Risk Insurance Program, this program is designed to enlist commercial airlines to supplement the Department of Defense's military airlift capability "during a national emergency."¹² Without the CRAF program (which worked well during the 1990-91 Gulf crisis), the Department of Defense would have to maintain a significantly larger aircraft reserve in the event of a large military mobilization.

Newly established at the beginning of the 106th Congress, the Oversight Subcommittee of the Transportation and Infrastructure Committee became active in fulfilling its function of determining the "application, administration, execution, and effectiveness of the laws within the jurisdiction of the Committee."¹³ The Subcommittee suggested improvements in managing national security threats. For example, it recommended that federal antiterrorism programs be evaluated and consolidated to eliminate "waste and confusion." One Subcommittee Member noted that "[t]he federal government currently offers over 90 training programs to help prepare local firefighters and police officers for responding to a terrorist attack. In addition, there are now over 80 different federal response teams to help out in case of attack. Many of these training programs and response teams seem to overlap. There is no overall plan for how the federal government can support local officials prepare for a terrorist event."¹⁴

The Committee's oversight of the Federal Emergency Management Agency and of several critical infrastructures also makes it a key player in any effort to address homeland security.

A. Strategy Development: The House Transportation and Infrastructure Committee currently has no role in strategy development.

B. Policy Guidance and Regulation: The Transportation and Infrastructure Committee maintains legislative jurisdiction over guiding policy, special oversight, and investigative authority on matters relating to the regulation of roads and waterways, environmental pollution, and disaster relief, among other issues. The Committee drafts legislation that regulates industries for the protection of consumers and the environment and maintains oversight of distribution systems for interstate commerce (transportation systems). (See Paragraph 4.E. for a discussion of the specific issues, programs, and agencies the Transportation Committee regulates.)

C. Planning: The House Transportation and Infrastructure Committee currently has no direct role in planning.

¹¹ "Jurisdiction and Activities." Subcommittee on Aviation. House Transportation and Infrastructure Committee. 106th Congress. February 1999.

¹² "Jurisdiction and Activities." Subcommittee on Aviation.

¹³ "Jurisdiction and Activities." Subcommittee on Oversight, Investigation, and Emergency Management. House Transportation and Infrastructure Committee. 106th Congress. February 1999.

¹⁴ "Shuster praises Oversight Subcommittee for detailing confusion and waste in anti-terrorism effort." Press Release. Transportation and Infrastructure Committee. 10 June, 1999.

D. Mission Execution: The House Transportation and Infrastructure Committee currently has no direct role in mission execution.

E. Observation, Orientation, and Oversight: The House Transportation and Infrastructure Committee has oversight authority over a number of federal government programs and the agencies that administer the programs. In its observation and oversight capacity, the Committee and Subcommittees will hold hearings to collect information on the effectiveness and success of the agencies for which it has jurisdiction. (See Paragraph 4.E. for a discussion of the specific issues, programs, and agencies the Committee oversees.) In Committee and Subcommittee hearings, Members will hear from agency representatives, private sector experts and academia, think tanks, and other Members of Congress.

F. Preparation: The House Transportation and Infrastructure Committee currently has no direct role in preparation.

G. Resourcing: The Transportation Committee is the authorizing committee for the government agencies outlined in each Subcommittee's jurisdiction. (See Paragraph 4.E.) Therefore, the Committee has "legislative jurisdiction over laws that set up or continue the operations of federal programs and provide the legal basis for making appropriations for those programs. Authorizing committees also have direct control over spending for mandatory programs since the Government's obligation to make payments for such programs is contained in the authorizing legislation."¹⁵

6. Informal National Security Process Involvement. Transportation Committee staff and Subcommittee staff maintain continuous informal relationships with Administration officials within the agencies for whom the Committee has authorizing jurisdiction. Additionally, Committee staff maintain regular consultations with their counterparts in the Senate. Regular conversations at the staff level assist the Committee and Subcommittee staff in collecting detailed information, answering specific questions relating to the operations of the agencies and programs that the Committee and Subcommittees oversee, and remaining abreast of current issues under their responsibility. Administration staff also may use this informal information exchange and the relationships with Congressional staff developed through this process to advocate the Administration's agenda, policy positions and positions of particular government agencies.

7. Funding and Personnel.

A. Authorization and Appropriations: The Transportation and Infrastructure Committee was created as a result of the Legislative Reorganization Act of 1946.

B. Funding Sources: The House Transportation and Infrastructure Committee is funded through the Legislative Branch appropriations.

C. Budget: The fiscal year 2000 budget for the House Transportation and Infrastructure Committee is \$13,220,138.

¹⁵ "The Congressional Budget Process—An Explanation." Appendix I: Glossary. Committee on the Budget. United States Senate. (http://www.senate.gov/~budget/republican/reference/cliff_notes/cliffapi.htm).

D. Personnel: Currently, the House Transportation and Infrastructure Committee includes 75 Members of the House of Representatives and 82 full-time professional staff.

8. Observations. The Transportation and Infrastructure Committee's jurisdiction is defined broadly, but generally it is responsible for the facilities, equipment, and process that allow the transportation system to function (e.g., highways, railroads, waterways, airports, and ports). However, the Committee's jurisdiction does not include oversight of other aspects of "critical infrastructures" that relate to national security. For example, the Committee is not responsible for the banking and finance, telecommunications, and healthcare infrastructures. The Committee has only limited jurisdiction over the power and energy infrastructure as it relates to pipeline transportation. There is no one committee in Congress that manages or oversees all aspects of infrastructure.

In some cases, the jurisdiction of the Transportation Committee overlaps with the jurisdiction of other committees. Each committee has its own ideas and objectives on how to approach an issue, resulting in varying legislation depending upon the goals of the committee. Furthermore, each Member is driven by his/her own political motivations on a particular issue, possibly resulting in conflicts within a committee or between committees on how to address the particular issue and what the committee's priorities are. Because of the broad jurisdiction of the House Transportation Committee, many of the issues addressed by the Committee cross the boundaries of other committees, including issues related to national security. For example, the Transportation and Infrastructure Committee's jurisdiction may overlap with that of the House Armed Services Committee on issues and programs such as conservation, development, and use of naval petroleum and oil shale reserves; interoceanic canals; merchant marine; environmental compliance requirements imposed on the Department of Defense; port security issues; issues concerning the U.S. Coast Guard; and strategic and critical materials necessary for the common defense.¹⁶ In managing these issues, committees will coordinate closely by means of informal consultations between Members and staff from each committee involved.

In drafting legislation that may possibly have national security implications, Members weigh carefully a bill's impact on American national security while also trying to appease constituents, constituent companies and other special interest groups. In order for Members to maintain favorable public opinion, they need to advocate the benefits for each of their constituents of investing in efforts to protect America's national security interests.

¹⁶ House of Representatives Committee on Armed Services. "Oversight Plan for the 106th Congress." (<http://www.house.gov/hasc/billsandreports/106thcongress/plan106.htm>).

ORGANIZATIONAL DESCRIPTION

SENATE COMMITTEE ON APPROPRIATIONS



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

Senate Committee on Appropriations

Overview

The Constitution requires that all expenditures of public funds be appropriated by law. The Senate Committee on Appropriations was created by Senate rules to initiate the legislation to fulfill this requirement. The Committee, which includes 28 Senators, is one of the largest Senate Committees, and Senators enthusiastically seek membership on it. The Committee is responsible for reporting out 13 regular Appropriations bills and at least one supplemental and one continuing resolution each year. Most of the Committee's work is performed by its 13 Subcommittees, each of which has responsibility for one of the regular appropriations measures.

Although the Senate Appropriations Subcommittees can produce original legislation, they rarely do. Instead, they conduct hearings and perform mark ups of legislation sent to them by the House of Representatives. Because most House Appropriations bills are already at or very near the top line ceilings established by the Joint Budget Resolution, the Senate is often limited to shifting funds around among accounts, not adding them. In recent years, however, the Senate has agreed to much larger appropriations than the House, so the Senate in effect has "added" to the House bill. While the Senate will stay within the 602(B) allocations in the Senate—which may or may not match those of the House—the Senate cannot fund a large program in the House bill and "add" its own programs.

Once a Subcommittee has finished its mark up and voted on a bill, the full Committee reviews the measure. Usually, the full Committee will report the bill to the Senate floor without amendment. When the full Senate approves the measure, it goes into conference with the House to arrive at a joint version. When both houses have passed the joint bill, it is sent to the President for signature or veto.

Organization

The Committee on Appropriations is divided into 13 Subcommittees:

- Agriculture, Rural Development, and Related Agencies;
- Commerce, Justice, State, and the Judiciary;
- Defense;
- District of Columbia;
- Energy and Water Development;
- Foreign Operations;
- Labor, Health and Human Services, and Education;
- Interior;

- Legislative Branch;
- Military Construction;
- Transportation;
- Treasury and General Government; and
- Veterans Affairs, Housing and Urban Development, and Independent Agencies.

Each Subcommittee has its own staff. Although House Appropriations Subcommittees have different designations, the jurisdictions of the Subcommittees are the same.

Role in Formal and Informal National Security Processes

		Strategy Development	Policy, Guidance, and Regulations	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing
Products	Appropriations Bills					✓		✓
Roles	Appropriations					✓		✓

Strategy Development. No involvement.

Policy, Guidance, and Regulation. No involvement.

Planning. No involvement.

Mission Execution. No involvement.

Observation, Orientation, and Oversight. Through staff investigations and additional investigations and audits conducted for it by the General Accounting Office and Department and/or Agency Inspector Generals (IG), the Committee and its Subcommittees exercise oversight of expenditures in jurisdictional areas.

Preparation. No involvement.

Resourcing. Committees and Subcommittees receive budget top line figures from the Joint Budget Resolution, hold hearings, conduct mark ups, and report out Appropriations bills for Senate consideration and deliberation. Once the full Senate has approved the bill, it is sent to the joint Senate-House Conference Committee, where differences between the versions are worked

out. Once it is passed by both chambers, it is sent to the President for signature or veto. Appropriations bills are normally accompanied by reports. While instructions in reports are not legally binding, they are customarily honored by Executive Branch entities.

Observations

The Appropriations process itself is relatively effective, although political considerations and debates sometimes hinder it. These considerations usually delay at least one of the 13 Appropriations bills each year because of political differences between Senators, with the White House, or both. When Appropriations bills are delayed, Continuing Resolutions are enacted to keep the government running, normally at the rate appropriated for the preceding fiscal year.

In recent years Appropriations bills have included more policy and/or legislative provisions, which some argue more properly belong in Authorization bills. These may occur without the knowledge or consent of the authorizers, or there may be an informal agreement to include the language between Senators. Whether one believes that Appropriators have exceeded their limits in these matters depends to some degree on how one is affected by it. Members who believe they have been disadvantaged by the action are likely to oppose it.

ORGANIZATIONAL DESCRIPTION

SENATE COMMITTEE ON APPROPRIATIONS

1. Legal Specifications and Authorizations.

A. Authorization:

(1) Article I, Section 9 of the Constitution of the United States: specifies that "No money shall be drawn from the Treasury but in consequence of appropriations made by law." The Senate Committee on Appropriations was created by Senate rules to assist in satisfying this requirement.¹ A staff member interviewed during this study encapsulated this by saying: "The Founding Fathers clearly understood the power of the purse and, today, that power resides in the Appropriations Committees."²

(2) Article I, Section 8 of the Constitution: gives Congress specific powers, including providing for the common defense and the raising and support of military forces.

B. Senate Rules:

(1) Senate Rules XXV and Senate Rule XXVI establish and empower committees and subcommittees.

(2) Senate Rule XVI distinguishes appropriations acts from other legislation.

C. The Annual Joint Budget Resolution: The total amounts that can be appropriated by the Committee on Appropriations are limited by the Joint Budget Resolution prepared by the Senate and House Budget Committees and passed by both houses. The Appropriations Committee Chair allocates a portion of the total from the Joint Budget Resolution to each of the 13 Appropriations Subcommittees. This amount becomes the "cap" for apportioning discretionary spending under Subcommittee jurisdiction. (See also Chapters 4 and 10 concerning Senate and House Budget Committees in this volume.)

2. Missions/Functions/Purposes.

A. Major Responsibilities: The Committee has jurisdiction over the following matters:³

(1) Annual legislation to provide funding to all U.S. government Branches, Departments, Agencies, and the District of Columbia (Regular Appropriations) [Key Process Relation: Resourcing];

¹ The Constitution does not require an Appropriations Committee; it was created by Congress to assist in carrying out its Constitutional role. Except for military forces, neither does the Constitution specify how often appropriations are to be made; by custom, funds are appropriated annually. There are exceptions to this rule, however, in cases in which Congress approves a permanent appropriation.

² Interview with Congressional staff.

³ Senate Rule XXV.1(j)

(2) Supplemental measures that are necessary to fund government activities, usually under emergency circumstances (Supplemental Appropriations) [Key Process Relation: Resourcing]; and

(3) Continuing resolutions to fund the government when regular appropriations bills have not been passed (Continuing Resolutions) [Key Process Relation: Resourcing].

In carrying out these responsibilities, the Appropriations Committee does not make recommendations or propose legislation on the Federal Budget *per se*. It deals primarily with both budget authority and outlays for discretionary spending (which constitutes about one third of the Fiscal Year 2000 budget).⁴ (See paragraph 5.A. for a discussion of terms.)

Appropriations are legal authority for government entities to obligate funds, not the funds themselves. In short, "An appropriation is a law passed by Congress that provides federal agencies legal authority to incur obligations and the Treasury Department authority to make payments for designated purposes."⁵

Technically, appropriations provide Executive Branch entities with "Budget Authority" (BA).⁶ Without BA, no government activity may obligate the U.S. treasury through contract or other method of expenditure. In other words, unless an activity has BA, it cannot spend money.⁷ Thus, when appropriations bills are held up or not passed, the government can be forced to close or terminate operations unless continuing resolutions are adopted by the Senate (through the Appropriations Committee process) to provide appropriations.

BA is different from budget outlays, which constitute the actual transfer or expenditure of funds. While most funds must be obligated in the same fiscal year for which they are appropriated, there is no requirement for them to be paid out—out layed—during that year. In other words, the Appropriations Committee may report out a bill that appropriates \$1 billion for construction of military aircraft. When the appropriation becomes law, the Department of Defense must obligate that amount during the following fiscal year through an appropriate contract vehicle.⁸ However, the funds may not actually be paid to the contractor until some years later. In any given fiscal year, Executive Branch departments and agencies are paying out prior year obligations that were appropriated in previous fiscal years. Unless otherwise specified in the bill, appropriations are effective for the next fiscal year only. Often exceptions are made for various purposes, such as research and development programs and some construction projects for which BA may be made available indefinitely.⁹

⁴ Executive Office of the President. Budget of the United States Government: Fiscal Year 2000, "The Budget System and Concepts." Washington: D.C., Reproduced by the Library of Congress, p. 2. (Hereafter FY 2000 Budget.)

⁵ Keith, Robert. Introduction to the Federal Budget Process. Washington, D.C., Congressional Research Service, August 28, 1998 (Report Number 98-721 GOV), p. 19. (Hereafter Keith.)

⁶ BA may also be provided by authority to borrow, contract authority, and spending authority from offsetting collections. These authorities also require Congressional action and are usually contained in permanent legislation. See FY 2000 Budget, p. 9.

⁷ There are some technical exceptions that are beyond the scope of this paper. See Schick and FY 2000 Budget.

⁸ If the Department elects not to obligate the funds for the purposes for which they were appropriated, it may initiate reprogramming actions.

⁹ FY 2000 Budget, p. 10.

Appropriations and authorization are linked in the U.S. code and Congressional rules. *Appropriations* determine the amount of money that may be spent by a government entity; *authorizations* prescribe the activities or programs for which the money may be spent. As one observer notes, "funds provided in appropriations acts are to be spent according to the terms set in authorizing legislation."¹⁰ Sometimes authorizing legislation specifies that an exact amount be appropriated, while at other times the amount is left to be specified by the Appropriations process within a specified ceiling. When a ceiling amount is specified, the Appropriations Committee may appropriate that amount or less, but it may not appropriate more.¹¹ Authorizations are "ceilings" while Appropriations are "floors." In other situations, the Authorizing legislation may impose specific spending requirements—the so-called "ear mark"—that mandate expenditure of a specific amount for a specific purpose.¹² When disputes arise between Authorization and Appropriation ear marks, they are resolved either through informal negotiations or, in most cases, by whichever piece of legislation was passed last.

The Congressional process envisions the enactment of authorization earlier in the Congressional session than appropriations so that authorization informs appropriations. However, in practice, this is not always the case. In recent times, appropriators have completed their bills prior to the passage of authorizing language and sometimes they pay less than strict attention to authorizing provisions even when authorization bills have been passed.¹³ This has led some members of authorizing committees to suggest the abolition of appropriations committees and the assimilation of that function into the authorizing committee responsibilities.¹⁴ (See sections in this volume dealing with Authorizing Committees.) On the other hand, Authorizing Committees can report out direct (or permanent) spending legislation, which, if passed, can provide permanent BA for which no further annual appropriation action is necessary.¹⁵

B. Subordinate Committees:¹⁶ The Appropriations Committee divides its jurisdiction among 13 subcommittees:

- (1) Agriculture, Rural Development, and Related Agencies;
- (2) Commerce, Justice, State, and the Judiciary;
- (3) Defense;
- (4) District of Columbia;
- (5) Energy and Water Development;

¹⁰ Schick, Allen. The Federal Budget: Politics, Policy, Process. Washington, D.C.: The Brookings Institution, 1995, p. 118. (Hereafter, Schick.)

¹¹ Interviews with Authorization Committee staff members indicated that, while the rule is as stated, sometimes Appropriations Committees ignore it.

¹² Authorizing Committee staff also complained that, on occasion, Appropriators ignore Authorizer earmarks and replace them with their own.

¹³ Interviews with Members of Congress and Congressional staff.

¹⁴ Schick, pp. 162-164 passim. While possible under the procedures for changing rules, it is likely that doing so would make appropriations "hostage" to conflicts over policy, thus slowing the appropriations procedure.

¹⁵ For a discussion of these procedures see Schick, FY 2000 Budget, and Keith.

¹⁶ www.senate.gov/appropriations.

(6) Foreign Operations;

(7) Interior;

(8) Labor, Health and Human Services, and Education;

(9) Legislative Branch;

(10) Military Construction;

(11) Transportation;

(12) Treasury and General Government; and

(13) Veterans Affairs, Housing and Urban Development, and Independent Agencies.

Although the House uses different titles for its Appropriations Subcommittees, Senate and House Appropriations Subcommittees each have parallel jurisdictions, and "each pair handles one of the regular appropriations bills."¹⁷ As indicated in the discussion of Subcommittee jurisdiction in paragraph 4.E., however, jurisdiction over programs and agencies is not entirely compartmentalized, and often several Subcommittee pairs are responsible for appropriations for one Department or Agency. For example, several subcommittees have jurisdiction over State Department Activities, and the same is true of other Departments and Agencies.

C. Major Products: The Appropriations Committee and its Subcommittees have two primary products. First, they are responsible for producing 13 regular appropriations bills—totaling more than \$500 billion in discretionary spending—each of which is reported to the Senate floor for deliberation, amendment, and passage.¹⁸ As the Congressional Research Service has noted: "all discretionary spending is under the jurisdiction of the House and Senate Appropriations Committees."¹⁹ These bills—when reconciled with House appropriations bills, passed by both houses of Congress, and signed into law by the President—constitute regular appropriations and fund government operations for the specific fiscal year.

Second, the Committee is responsible for two additional appropriations measures. When emergency funding is needed to cope with domestic disasters or unbudgeted foreign commitments, the Committee produces supplemental appropriations bills. The Committee may also deal with Continuing Resolutions (CR), which fund government operations on occasions when regular appropriations have not been passed or signed into law. In dealing with these products, the one-subcommittee-one-appropriations-bill rule does not apply, and multiple subcommittees are usually involved in preparations.

¹⁷ Schick, p. 130.

¹⁸ This amounts to about one third of the total budget, the remainder of which is in entitlement programs. For FY 1998, for example, \$364 billion of total spending went to interest on the public debt and \$371 billion went for large entitlement programs such as Social Security.

¹⁹ See Keith.

All enacted appropriations bills are law, and they often contain legislative provisions that are also law, even though most Authorization Committees hold that legislation falls under their jurisdiction. If Appropriations legislative provisions are in conflict with Authorizing Committee legislative provisions, the most recently passed bill usually has precedence. Often, the most recently passed bills are appropriations bills. As a hedge, in some instances Authorization Committees or Subcommittees or informal groups of Members may seek to include specific language or provisions in both processes to ensure a specific result.

3. Vision and Core Competencies.

A. Vision: There is no published vision statement for the Senate Appropriations Committee or its Subcommittees.

B. Core Competencies: Core Competencies include reviewing, deliberating, marking up, and managing-to-passage 13 annual appropriations bills, and frequently at least one Supplemental Appropriation and one CR each year.

4. Organizational Culture.

A. Values: There are no published values for Committee members or staff. However, because all discretionary spending passes through the Appropriations Committee, Senators generally assign service on the Committee a high value. Most consider it to be among the most important—if not the most important—Committee. The Committee's power to appropriate funds is considerable, especially in cases when funding programs or activities have a high political impact, because it brings money into a Senator's state or other benefits.²⁰ While tradition holds that Appropriations measures are initiated in the House, the Senate Appropriations Committee is fully capable of initiating new programs or projects when it receives the House bill. Also, greater differences between House and Senate Rules of germaneness allow the Senate greater flexibility in offering amendments.

The Appropriations Subcommittees represent an organizational value in that each views itself as a sort of independent entity. The Appropriations Subcommittees have a degree of power, latitude, and independence that reportedly exceeds that of other Senate subcommittees. The Subcommittee Chairs are sometimes referred to as the cardinals of Congress because of the amount of power they wield, and each Subcommittee "fiercely guards its independence" and prerogatives.²¹ Procedurally, the full Committee without amendment reports out many appropriations measures reported out by Appropriations Subcommittees.

B. Leadership Traditions: Committee and subcommittee chairs, who are selected in accordance with party rules, have a great deal of power in terms of fixing operating procedures and deciding which pieces of appropriations legislation will be reported out to the Senate floor.

According to those interviewed, Appropriations Subcommittee Chairs have a great deal of power compared to the Chairs of other Subcommittees. They also have great latitude in determining the specifications of appropriations bills, and can even include provisions that are in

²⁰ In an interview, one former Senator remarked that most of a Senator's time is spent dealing with programmatic matters.

²¹ Schick, p. 133 and interviews.

opposition to authorizing committee language.²² In selecting Committee and Subcommittee chairs, how well a Senator's colleagues think he/she will represent their individual and aggregate interests, party positions, and seniority are significant factors. In the Appropriations Committee, seniority for Subcommittee chairs is based on seniority in the Subcommittee, not on the full Committee. Depending on party rules, Chairs may keep their positions for an indefinite period or be limited to a fixed number of years.

As is often the case, the current Committee Chair and Ranking Member have a productive working relationship. Committee leadership encourages bipartisan approaches, and the leadership encourages this by ensuring that each member benefits from appropriations bills.²³

C. Staff Attributes: Appropriations staff members have different backgrounds; there is no one salient characteristic that applies to all. Educational experience ranges from liberal arts degrees, to Masters of Business Administration, to accounting, to Doctors of Jurisprudence.²⁴ The Committee Chair and Subcommittee Chairs have the greatest role in staff appointments. Some staff members support more than one Subcommittee.

When Chairs or Ranking Members change, their successors may bring in at least a few new staff members, although these changes tend to be fewer in Appropriations Subcommittees than in other Senate Subcommittees.²⁵ If the balance of power in the chamber as a whole changes, staff turnover would presumably be greater because the new majority party will appoint additional staff members over and above those they already have, and the new minority party will release staff to bring their total staff into line with rules and funding limits. Nevertheless, long-serving staff members are likely to have strong relations with Senators as a result of years of working together, and they are likely to be valued for their knowledge of both the Committee and the Appropriations process.

Most Appropriations Committee staff are assigned to Subcommittees, where the bulk of the appropriations work is done. Staff are experts in their specialties and also in Senate processes and procedures. Their salient value is their ability to provide objective or subjective assessments for Senators and to support Senators' decisions. Former staff members indicated during interviews that longevity is important to success because it takes most staff members 12-18 months to learn how the Senate operates and to establish relationships with staff in the departments and agencies over which their Subcommittee has jurisdiction.

Staff power depends on trust between the staffer and the Senator for whom he/she works. It also stems from the ability of the staffer to develop robust networks that include department and agency staff, academia, and industry and provide the most up-to-date information. In a very real sense, information is power. Staff must know department, agency, and White House positions on each issue in order to be effective. While usually collegial, the information exchange relationships between staffers and departments, agencies, and commercial contractors is also often adversarial because of substantial differences in their agendas. Staff also exercise significant power on the large number of small matters that are not of great concern to Senators.

²² Schick, Chapters 7 & 8.

²³ Almanac of the Unelected. Washington, D.C., Bernan Press, 1999, p. 485.

²⁴ Almanac of the Unelected. Washington, D.C., Bernan Press, 1999.

²⁵ See Schick.

For the 106th Congress, the staff is apportioned among the Committee and Subcommittees as follows:

COMMITTEE	MAJORITY	MINORITY
Full Committee	11	5
Subcommittee On Agriculture, Rural Development & Related Agencies	3	2
Subcommittee on Commerce, Justice, State, & the Judiciary	5	2
Subcommittee on Defense	10	2
Subcommittee on the District of Columbia	1	2
Subcommittee on Energy & Water Development	3	2
Subcommittee on Foreign Operations	2	2
Subcommittee on the Interior	5	2
Subcommittee on Labor, Health & Human Service, and Education	5	2
Subcommittee on the Legislative Branch	1	2
Subcommittee on Military Construction	2	2
Subcommittee on Transportation	3	2
Subcommittee on Treasury & General Gov't	3	2
Subcommittee on VA, HUD & Independent Agencies	4	2

D. Strategy: There is no published Committee Strategy. Strategic approaches are the discretion of Committee and Subcommittee Chairs and Ranking Members with each Senator deciding his/her own strategy for issues and sessions. Sources note that Senator Stevens, the current Chair and other Senators are interested in increasing Defense spending and this is a key part of the strategy.

E. Organization: The Appropriations Committee is a Class A committee.²⁶ A Senator may not serve on more than two Class A committees and one Class B committee.²⁷ The number of Senators who would like to serve on Appropriations always exceeds the number of places available.

Committee membership is determined by the rules adopted by each political party and members are selected during party conferences or caucuses based on leadership recommendations. As one source points out, "the Committee appointment process offers a means of promoting party discipline through the granting or withholding of desired assignments."²⁸ The Secretaries of the Majority and Minority parties assemble requests from Senators for committee assignments. These requests are passed to a Staffing Committee (whose members are selected by the Secretary), and this Committee makes recommendations to the party leadership. Generally, minority party membership on Committees mirrors its total membership in

²⁶ Senate standing committees are broken down into three categories: Class A committees, Class B committees, and Class C committees.

²⁷ Marlowe, Howard. How Congress Works: A Handbook on Congressional organization and the Legislative Process. www.netlobby.com (Hereafter Marlowe.)

²⁸ Learning About the Senate. "Senate Briefings: Committees." (http://www.senate.gov/learning/brief_11.html.)

the Senate, and this custom is followed in subcommittee appointments.²⁹ The Committee Chair, in consultation with majority party Committee members, selects Subcommittee chairs. The Committee membership for the 106th Congress consists of 15 Republicans and 13 Democrats.

SENATE APPROPRIATIONS COMMITTEE

Republicans (15)	Democrats (13)
Ted Stevens (AK)—Chair Thad Cochran (MS) Arlen Specter (PA) Pete V.Domenici (NM) Christopher S. Bond (MO) Slade Gorton (WA) Mitch McConnell (KY) Conrad Burns (MT) Richard G. Shelby (AL) Judd Gregg (NH) Robert Bennett (UT) Ben Nighthorse Campbell (CO) Larry Craig (ID) Kay Bailey Hutchison (TX) Jon Kyl (AZ)	Robert Byrd—Ranking Member Daniel K. Inouye (HI) Earnest F. Hollings (SC) Patrick J. Leahy (VT) Frank R. Lautenberg (NJ) Tom Harkin (IA) Barbara Mikulski (MD) Harry Reid (NV) Herb Kohl (WI) Patty Murray (WA) Byron Dorgan (ND) Dianne Feinstein (CA) Richard Durbin (IL)

Senator Byrd is the only member of the Committee who also sits on the Senate Armed Services Committee, and Senate rules will prohibit Senators from serving on both Committees in the future. No member of the Appropriations Committee is also a member of the Foreign Relations Committee; however, most Senators sit on other authorizing Committees. Dual membership theoretically holds out the possibility of integration of effort between Authorization and Appropriations.

For the 106th Congress, the Committee is organized into Subcommittees as indicated below. The Chairman and Ranking Member are members of specific Subcommittees and are *ex officio* members of the others. Currently, Senator Stevens is the Chair of the Defense Subcommittee and a member of the Subcommittees for Commerce, Justice, State, and the Judiciary; Interior; Labor, Health, and Human Services; and Legislative Branch. Senator Byrd is the Ranking Member of the Interior Subcommittee and serves on the Subcommittees for Defense; Energy and Water Development; Transportation; and Veterans Affairs, Housing and Urban Development, and Independent Agencies.

As noted previously, Senate Appropriations Subcommittees are paired with Subcommittees of the House Appropriations Committee. Although the names are somewhat different, the jurisdictions of the two sets of Subcommittees are essentially the same.

²⁹ Marlowe, p. 1, Zone Two—Committee Action.

(1) Agriculture, Rural Development, and Related Agencies:

Republicans (6)	Democrats (4)
Thad Cochran—Chair Arlen Specter Christopher Bond Slade Gorton Mitch McConnell Conrad Burns	Herb Kohl—Ranking Member Tom Harkin Byron Dorgan Dianne Feinstein Richard Durbin

This Subcommittee has jurisdiction over the Department of Agriculture and its programs (a total of 90 different appropriations); the Farm Credit Administration; the Commodity Futures Trading Commission; and the Farm Credit System Financial Assistance Corporation (an element of the Treasury Department). The areas over which the Subcommittee has jurisdiction that have the greatest potential for direct national security impact include:

- The Food and Drug Administration (Department of Health and Human Services);
- Animal and Plant Inspection Service, the Commodity Assistance Program, the Commodity Futures Trading Commission, the Food Safety and Inspection Service, the foreign Agricultural Service, Grain Inspection Service, Hazardous Waste Management, Natural Resources Conservation Service, the Offices of Information Resource Management, and Resource Conservation and Development (Department of Agriculture).

(2) Commerce, Justice, State, and the Judiciary:

Republicans (6)	Democrats (5)
Judd Gregg—Chair Ted Stevens Pete V. Domenici Mitch McConnell Kay Bailey Hutchison Ben Nighthorse Campbell	Earnest Hollings—Ranking Member Daniel Inouye Frank Lautenberg Barbara Mikulski Patrick Leahy

The Subcommittee has jurisdiction over appropriations for the Departments of Commerce, Justice, and State (except counterterrorism, international narcotics control, and migrations and refugee assistance) and the federal judiciary. Significant national security related jurisdiction includes:

- The Arms Control and Disarmament Agency, Contributions to International Organizations including United Nations dues and peacekeeping assessments, International Conferences and Contingencies, Missions to International Organizations, World Health Organization (Department of State);
- The Federal Bureau of Investigation, the Immigration and Naturalization Service, U.S. Marshals Service (Department of Justice);

- The Bureau of Export Administration, the Economic Development Administration, National Oceanic and Aeronautics Administration, National Technical Information Service, National Telecommunications and Information Administration, the Technology Administration (Department of Commerce);
- The Ready Reserve Force³⁰ (Department of Transportation);
- The United States Information Agency, including East and West Center for Cultural and Technical Exchange (USIA) and Voice of America; and
- Independent commissions including, the Commission on Immigration Reform, the Commission on Security and Cooperation in Europe, the Competitiveness Policy Council, the Federal Communications Commission, the Federal Maritime Commission, the Federal Trade Commission, the International Trade Commission.

(3) Defense:

Republicans (9)	Democrats (4)
Ted Stevens—Chair Thad Cochran Arlen Specter Pete V. Domenici Christopher Bond Mitch McConnell Richard C. Shelby Judd Gregg Kay Bailey Hutchison	Daniel K. Inouye—Ranking Member Earnest F. Hollings Robert C. Byrd Patrick J. Leahy Frank R. Lautenberg Tom Harkin Byron Dorgan Richard Durbin

The Subcommittee on Defense has jurisdiction over the following appropriations:

- The Department of Defense and the military departments;
- The Ballistic Missile Defense Organization;
- The Defense Agencies;
- The Defense Finance and Accounting Service;
- Defense Health Program (TRICARE);
- The Defense Conversion Committee;
- The Defense Logistics Agency;
- The Intelligence Community;

³⁰ The RRF consists of commercial vessels owned by the United States and kept in mothball status for use in times of national emergency to transport equipment and supplies. The last large scale usage was during the Persian Gulf Crisis of 1990-1991.

- The National Guard and the Reserve Components;
- The National Security Agency;
- The National Reconnaissance Office;
- Appropriations pertaining to North Atlantic Treaty Organization (NATO);
- Overseas Dependent Education; and
- Uniformed Services University of Health Services.

(4) District of Columbia:

Republicans (2)	Democrats (1)
Kay Bailey Hutchison—Chair John Kyl	Richard Durbin—Ranking Member

The Subcommittee has jurisdiction over appropriations for the District of Columbia and St. Elizabeth's Hospital. Depending on terrorist activities, DC appropriations could have a national security impact.

(5) Energy and Water Development:

Republicans (7)	Democrats (6)
Pete V. Domenici—Chair Thad Cochran Slade Gorton Mitch McConnell Robert F. Bennett Conrad Burns Larry Craig	Harry Reid—Ranking Member Robert Byrd Earnest Hollings Patty Murray Herb Kohl Byron Dorgan

This subcommittee has jurisdiction over some activities of the Department of Defense, the Department of Energy, and the Department of the Interior. Activities that have potential national security impact include:

- Atomic Energy Defense Activities, the Energy Department (less fossil fuels, conservation, compliance, regulation, and information), the Federal Energy Regulatory Commission. (Department of Energy);
- The Bureau of Reclamation (Department of Interior);
- The Nuclear Regulatory Commission; the Nuclear Waste Technical Review Board;
- The Department of the Army Civil works and the Corps of Engineers civil works the Defense Nuclear Facilities Safety Board (Department of Defense); and

- The Tennessee Valley Authority and other regional power administrations.

(6) Foreign Operations:

Republicans (7)	Democrats (6)
Mitch McConnell—Chair Arlen Specter Judd Gregg Richard C. Shelby Robert F. Bennett Ben Nighthorse Campbell Christopher Bond	Patrick Leahy—Ranking Member Daniel Ionuye Frank Lautenberg Tom Harkin Barbara Mikulski Patty Murray

The Subcommittee on Foreign Operations' jurisdiction includes appropriations for Treasury, State, and Defense. National Security related appropriations include:

- International Development Association, International Finance Corporation, and International Financial Institutions; the Export-Import Bank African and Asian Development (Treasury Department);
- The Agency for International Development and DoS Anti-Terrorist programs (Department of State);
- Foreign Military Financing and International Military Education and Training programs (Defense Department); and
- Migration and Refugee Assistance, Trade and Development Agency, and the Peace Corps.

(7) Labor, Health and Human Services, and Education:

Republicans (8)	Democrats (7)
Slade Gorton—Chair Ted Stevens Thad Cochran Pete V. Domenici Conrad Burns Robert F. Bennett Judd Gregg Ben Nighthorse Campbell	Robert C. Byrd—Ranking Member Patrick J. Leahy Earnest F. Hollings Harry Reid Byron Dorgan Herb Kohl Dianne Feinstein

The Subcommittee has jurisdiction over some programs in the Departments of Labor, Health and Human Services, and Education. Programs and activities that may have an impact on national security include:

- Community Health Centers, Drug Free Schools and Communities Act, Centers for Disease Control and Prevention, Immunization Programs, the National Institutes of Health, Health Professions Education, Job Opportunities and Basic Skill Training program,

Office of Refugee Resettlement, Public Health Service, Substance Abuse and Mental health Services (Department of Health and Human Services);

- Higher Education, International Education, Student Financial Assistance Vocational and Adult Education (Department of Education);

- Job Corps (Department of Labor);

- The National Institute of Health, the U.S. Institute of Peace; and

- Social Security Administration.

(8) Interior:

Republicans (8)	Democrats (7)
Slade Gorton—Chair Ted Stevens Thad Cochran Pete V. Domenici Conrad Burns Robert F. Bennett Judd Gregg Ben Nighthorse Campbell	Robert C. Byrd—Ranking Member Patrick J. Leahy Earnest F. Hollings Harry Reid Byron Dorgan Herb Kohl Dianne Feinstein

The Subcommittee on Interior has jurisdiction over some programs of the Department of Interior, Energy and Health and Human Services. The following appropriations have national security implications:

- Emergency Preparedness, Energy Conservation, Fossil Energy, Naval Petroleum and Oil Shale Reserves, Strategic Petroleum Reserve, Fossil Energy Research and Development, Energy Information Administration (Department of Energy);

- Bureau of Land Management, Bureau of Mines, Geological Survey, Land and Water Conservation Fund, Office of Insular Affairs, Office of Special Trustee (Department of Interior); and

- Outer Continental Shelf.

(9) Legislative Branch:

Republicans (3)	Democrats (2)
Robert Bennett—Chair Ted Stevens Larry Craig	Dianne Feinstein—Ranking Member Richard Durbin

The Subcommittee is responsible for appropriations for the Congressional Budget Office; the General Accounting Office; the Government Printing Office; the Capitol Police Board; the Joint Economic Committee; the Joint Committee on Printing; the Joint

Committee on Taxation; the Stennis Center for Public Service, Training, and Development; the Architect of the Capitol; the Botanic Garden; Books for the Blind and Physically Handicapped; and the House and Senate. None of these appear to have a direct impact on national security.

(10) Military Construction:

Republicans (4)	Democrats (3)
Conrad Burns—Chair Kay Bailey Hutchison Larry Craig Jon Kyle	Patty Murray—Ranking Member Harry Reid Daniel K. Inouye

The Subcommittee on Military Construction is responsible for Department of Defense construction, remodeling, and facilities replacement projects for the Military Departments (including family housing and the Reserve Components), the defense agencies, NATO infrastructure, and the Ballistic Missile Defense Organization. It also appropriates funds for the Homeowners Assistance Fund and base closure accounts.

(11) Transportation:

Republicans (7)	Democrats (6)
Richard C. Shelby—Chair Pete V. Domenici Arlen Specter Christopher S. Bond Robert F. Bennett Ben Nighthorse Campbell	Frank Lautenberg—Ranking Member Robert Byrd Harry Reid Herb Kohl Patty Murray

The Subcommittee is responsible for appropriations for various Department of Transportation activities and several boards and commissions. Those that have national security implications include:

- The Federal Aviation Administration, the Federal Highway Administration; the Federal Railroad Administration, the Federal Transit Administration, the Office of Commercial Space Transportation, and the U.S. Coast Guard (Department of Transportation); and

- It also appropriates funds for the Interstate Commerce Commission, the National Transportation Safety Board, and the Panama Canal Commission.

(12) Treasury and General Government:

Republicans (3)	Democrats (2)
Ben Nighthorse Campbell —Chair Richard C. Shelby Jon Kyl	Byron Dorgan —Ranking Member Barbara Mikulski

The Subcommittee on Treasury and General Government funds a variety of government activities in the Executive Office of the President, the Treasury Department, the General Services Administration, the U.S. Postal Service, and several independent Executive Branch offices. Activities that have a bearing on national security include:

- The National Security Council, the National Economic Council, the Council of Economic Advisors, the Office of Management and Budget, and the Office of Policy Development (Executive Office of the President);
- The Bureau of Alcohol, Tobacco, and Firearms; the Federal Law Enforcement Training Center; the Financial Crimes Enforcement Network; the Financial Management Service; the Internal Revenue Service; the U.S. Customs Service, and the U.S. Secret Service (Department of Treasury);
- Public Buildings Service (GSA); and
- The Office of National Drug Control Policy.

(13) Veterans Affairs, Housing and Urban Development, and Independent Agencies:

Republicans (6)	Democrats (5)
Christopher S. Bond—Chair Conrad Burns Richard C. Shelby Larry Craig Kay Bailey Hutchison Jon Kyl	Barbara Mikulski —Ranking Member Patrick Leahy Frank Lautenberg Tom Harkin Robert Byrd

The Subcommittee appropriates funds for a variety of Veterans Affairs, Housing and Urban Development, Health and Human Services, and independent activities. Those that have implications for national security include:

- The Chemical Safety and Hazard investigation Board, the Agency for Toxic Substances and Disease Registry (Health and Human Services);
- Council on Environmental Quality and Office of Environmental Quality, Office of Science and Technology policy (Executive Office of the President);
- The National Science Foundation;
- The Selective Service System;
- The Federal Emergency Management Agency; and
- The National Aeronautics and Space Administration.

5. Formal National Security Process Involvement.

A. Overview:³¹

(1) Appropriations Fundamentals: At the outset, several premises should be kept in mind. First, government departments and agencies cannot spend more money than Congress appropriates to them, nor can they reprogram funds for purposes other than that prescribed by Authorization and Appropriations bills and reports without approval. Second, according to Congressional rules, when specific amounts are specified in authorizing legislation, the Appropriations Committee and its Subcommittees may not appropriate more money than the authorizing legislation allows. Third, appropriations bills are law, and any policy or legislative provisions included in them are also law. If legislative (or other) provisions are in conflict with Authorizing provisions, the most recently passed bill usually has precedence. Fourth, Appropriations bills can amend Authorization bills when the Senate clearly intends for that to be the case.³²

(2) Accounts: In Congressional appropriations, the account is the most basic unit of appropriations legislation. Accounts are divided into single unnumbered paragraphs in appropriations bills, and each unnumbered paragraph applies to one account alone.³³ Many of a department's, or agency's, appropriations will be bundled into a single account, and it is not unusual to find salaries and expenses funded from a single account. Appropriations bills often contain information and instructions about how these funds are to be spent, but most of the detail will be placed in the accompanying Committee report.³⁴

(3) Reports: Appropriations report language that accompanies Senate and Conference bills focuses on specific programs such as those for which the Committee has "earmarked funds" or cases for which it is appropriating more or less than the original proposal. "When a particular item is mentioned by the committee, there is a strong expectation that the agency will adhere to the instructions," even though the reports themselves are not legally binding.³⁵ If it does not abide by report language, the Department or Agency is likely to find its appropriations reduced during the next year or find provisions that were originally part of the report inserted into next year's bill as law. Other reports that may apply to appropriations measures include:

(a) Hearing Reports, produced by Committee or Subcommittee staff, record the testimony, questions, and answers from hearings. They are records of events, and the Committee or Subcommittee does not usually vote them out. While they may contain important information, they are not authoritative.

³¹ See the section of the report entitled Senate Foreign Relations Committee for a detailed account of the committee process. See also Marlowe Dove, Robert B. (Parliamentarian, U.S. Senate; hereafter Dove). Enactment of a Law. <http://thomas.loc.gov>. and Congressional Research Service. The Committee System in the U.S. Congress, 1994 www.sen.gov/committees.

³² Schick, p. 122.

³³ Numbered paragraphs apply to all accounts in an appropriations bill. Generally, numbered paragraphs provide limitations, legislative provisions, and provisions that apply across the government. See Schick, Chapter 8.

³⁴ Keith, p. 21.

³⁵ Keith, p. 22.

(b) Investigative Reports deal with specific matters, activities, or programs over which the Committee has jurisdiction. If the Committee or Subcommittee issues them they are voted out. If the staff issues them, they may be voted out or released by the Committee or Subcommittee Chair. In the case of appropriations, investigations may be done by the staff or for the Committee by the General Accounting Office or Department and/or Agency Inspector Generals, and may examine how well a Department or Agency used the BA and Outlays appropriated for it.

(4) Spending: There are two basic types of spending: *discretionary* and *direct*. Discretionary spending is subject to annual appropriations. The majority of discretionary spending funds government departments and agencies and is subject to annual appropriations.

Direct spending is usually entitlement spending. Entitlements tend to be payments that are authorized to be made indefinitely to those eligible to receive them regardless of whether appropriations acts make provisions for them (e.g., Social Security, military retirement). Some entitlements are subject to action by the Appropriations Committee annually, but it has little control over them at this point and the money will be made available for them regardless. There has been an increase in the number of direct spending programs in recent years, due in part to Authorizing Committee action to transfer funding authority away from the Appropriations Committee, but also related to the "popularity" of certain programs.³⁶

(5) Types of Appropriations: Within discretionary spending there are three types of appropriations: Regular—those that occur in the "due-course annual" appropriations process; Supplemental—those that fund emergency requirements; and Continuing—those that fund activities and agencies not provided for in regular appropriations for whatever reason. There are 13 Regular appropriations (one per Subcommittee) each year, while the number of Supplemental and Continuing appropriations vary. As the need arises, Supplemental and CRs are assigned to the appropriate Subcommittees for deliberation and mark up. Because these irregular appropriations normally contain funding for several different activities, more than one Subcommittee is usually involved in the process, while a single Subcommittee has responsibility for each of the 13 regular appropriations bills.

Regular appropriations may be annual, multi-year, or "no year." Annual appropriations are valid only for the fiscal year for which they are appropriated, while multi-year appropriations have time limits of several years or more. "No year" appropriations are open-ended appropriations that are in effect indefinitely.

B. Appropriations Committee and Subcommittee Processes:

(1) Initiation of the Annual Appropriations Process: (See process maps at appendix.) Once Congress receives the President's Budget, it normally first adopts a joint budget resolution before either authorization or appropriations committees can take substantive action on it.³⁷ (See Volume II, Chapter 3, entitled "Office of Management and Budget," for

³⁶ See also Schick, pp. 123-127.

³⁷ Bills are general legislative proposals. Resolutions are "used primarily to express the sense of the Senate. . . or to take care of "housekeeping" matters, including changes in rules, that apply only to the Senate." Joint Resolutions have the same effect as bills. Concurrent resolutions express the sense of Congress; affect housekeeping activities common to both houses; or modify the language of a proposal already passed by one house. (See Dove.)

information on how the President's Budget is prepared; see Chapters 4 and 10 in this volume for a description of the joint budget resolution process.)

The joint budget resolution allocates spending caps to each Committee, and Committees cannot exceed these caps without triggering reconciliation or other actions. As noted in this year's (FY2000) budget, the budget resolution "provides the framework within which congressional committees prepare appropriations and other spending and receipts legislation."³⁸ Once the Senate Appropriations Committee receives its cap, it must reallocate specific dollar allocations among the Subcommittees. The Chair makes these allocations pursuant to Section 602 of the Omnibus Budget Reconciliation Act of 1990, and he/she does so in consultation with the Subcommittee Chairs.³⁹ (The current Chair, Senator Stevens, who has made bipartisanship a priority, also consults with the Ranking Members in allocating to Subcommittees.)

The requirement to remain within the dollar allocations provided by the Chair means that "subcommittees can no longer act independently . . . and without regard for the total or how much is available for all subcommittees."⁴⁰ Overall, one effect of budget caps on the process has been to force the Appropriations Subcommittees to recognize spending limits and coordinate spending plans. Because mark ups are conducted in a zero sum atmosphere, a Subcommittee cannot increase its share of the total unless the additional funding comes from another Subcommittee. As one observer notes, this forces programs within a Subcommittee's jurisdiction to compete with one another for funds.⁴¹ Witnesses who appear on behalf of Administration programs are aware of the competitive nature of the mark up process and usually come prepared to market their programs.

(2) Initiation of Appropriations Committee Processes in the Senate. In Congress, appropriations measures traditionally originate in the House of Representatives, although there is no constitutional requirement for them to do so. As a result, the Senate Appropriations Committee continues the work of the House and does not ordinarily prepare an original appropriations bill. This is not to say that they will not place original provisions into the House measure. Often, Subcommittees begin crafting amendments before receiving the House bill and insert them when that legislation is received. And, if the House delays passage of its version of the appropriations bill too long, the Senate may craft its own bill.

The Senate Appropriations Committee begins the process by holding oversight hearings. These hearings involve senior Office of Management and Budget (OMB) officials who present the Administration's case for the budget. The full Committee may also hear testimony from other sources, including the Congressional Budget Office (CBO), but the bulk of appropriations work is done in the Subcommittees.

While other Committees must make choices about which legislation to consider, the Appropriations Subcommittees are bound to consider the 13 appropriations bills that fund the federal government and the District of Columbia. There is no integrated consideration of the budget request—Subcommittees split up the President's Budget between them according to jurisdictional boundaries and report out separately. (See paragraph 4.E., above.)

³⁸ FY 2000 Budget, p. 2.

³⁹ Public Law 101-508, Title VI—Budget Agreement Enforcement Provisions (www.thomas.loc.gov.)

⁴⁰ Schick, p. 135.

⁴¹ Schick, p. 137.

(3) The Subcommittee Process: Senate Appropriations Subcommittees usually begin deliberations by considering the House of Representatives' appropriations bill as noted above. Because the House version is often only marginally below the spending limits set by the Joint Budget Resolution, Senate Appropriations Subcommittees usually have little leeway to add funds. Therefore, most Senate Appropriations Subcommittee actions are concerned with redistributing funds.

As they adjust funding by amending the House version, the Subcommittees use the current year's appropriations and the spending requested in the President's Budget as their procedural framework. In other words, most of their deliberations focus on marginal changes in spending from the present year to the next, rather than major policy debates.⁴² The President's Budget is formulated using programs and activities (not effectiveness or efficiency of outcomes), and the Subcommittees tend to treat it in those terms.

Subcommittees begin their activities by reviewing Administration justifications for items in the budget. These justifications are detailed, but emphasize the amount of increase or decrease over the past year's funding. Senators and staff will frequently discuss these justifications with Administration officials off line. Senators also examine staff and General Accounting Office investigations of activities and programs prior to holding hearings.

Because the Senate Subcommittees deal with an appropriations bill that has already been through an intensive hearing process, Senate hearings tend to be less extensive. Generally, witnesses are administration officials, although Senators may occasionally invite outsiders to testify. During this and all other phases, the Administration's Office of Management and Budget submits Statements of Administration Policy (SAPs) to ensure the Subcommittee understands administration preferences and the extent to which the Administration is willing to go to achieve them.

Subcommittee hearings, while often not as comprehensive as those conducted by House Appropriations Subcommittees, are carefully orchestrated between Senators and Subcommittee staff. The Subcommittee staffs produce witness lists, and witnesses normally provide written copies of their testimony in advance.⁴³ Administration witnesses are advocates for the President's Budget, and their testimony is carefully prepared and cleared through OMB.⁴⁴ Staff members often recommend lines of questioning and specific questions for Senators to use during the hearings. Senators' personal staffs often do the same. The Subcommittee may call non-Administration witnesses as well, including the General Accounting Office or the Inspectors General. How much information witnesses reveal that is counter to the Administration's official position depends on the questions they are asked and the skill of the questioners.

Following hearings, the Subcommittee marks up the House version within Joint Budget Resolution caps. Mark up is a line-by-line review that includes amending the original language (and often the intent) to bring it in line with Subcommittee member preferences. Changes to the House version are inserted in the form of numbered amendments. There will always be a large

⁴² See Schick, Chapter 7 and Keith.

⁴³ Generally, oral testimonies from witnesses summarizes their longer written testimonies and both become part of the hearing record.

⁴⁴ See section entitled Office of Management and Budget in the volume entitled Executive Office of the President.

number of amendments. Some of these amendments may include "earmarking" or provisions that require certain amounts to be expended for particular projects or activities; although most earmarking is found in the accompanying report. When mark up is complete, the Subcommittee votes on the amended bill and reports it out to the full Committee. Generally, but not always, the full Committee reports out Subcommittee bills to the Senate floor without amendment. Full Committee amendments, obviously, have to be adopted by the full Committee. Usually, bills sent to the floor will be accompanied by a written report (prepared by the committee staff) that explains the committee's actions, describes the re-written bill, and makes arguments for passage.⁴⁵ Once on the floor, committee members during deliberation will manage the bill. Amendments to the House bill made in Subcommittee, Committee, or on the Senate floor are identified and become the basis for conference deliberations.

(4) Consideration by the Full Senate: Action on the Senate floor depends on the rules in effect. Usually, traditional Senate rules allowing unlimited debate are modified by "unanimous consent," and a finite amount of time will be allotted to debate the bill. Once rules are decided on, the Subcommittee Chair and Ranking Member provide an overview of the bill that consists of a comparison between the present year's spending levels and those recommended by the Subcommittee for the next fiscal year. It may also include a comparison of the original House version with the Senate Subcommittee's mark up. The mark up is then voted on "en bloc."⁴⁶ If it passes, the measure is scheduled for conference with the House.

(5) Conference: Conference proceedings are characterized by negotiating sessions between House and Senate staff and between Senators and Members of the House. Generally, the only issues discussed are the Senate amendments to the original House bill. Unamended passages are assumed to be acceptable to the Senate and are not renegotiated.

The Statement of Managers or Conference Report that accompanies the bill is an amendment-by-amendment account of the actions of the conference committee with recommendations for how the two houses should vote. It also contains instructions, earmarking provisions, and other information. In order to understand the final bill, Administration Departments and Agencies must consult both the report and the bill. As noted earlier, the report is not legally binding, but Congress expects the Administration to abide by its provisions.

(6) Actions by Both Chambers: Once agreement is reached in conference, the bill and conference report are forwarded to the two chambers for vote on the final bill, with the House voting first and then sending the measure to the Senate. The chambers usually vote on the bill in total, not amendment by amendment. There are provisions for some amendments to be considered apart from the bill where these amendments are not in technical agreement.

(7) Presidential Action: In final form, when passed by both chambers, appropriations bills are sent to the White House for the President's signature. If the President approves the bill, it becomes law. If he vetoes it, it is returned to Congress for changes that make it acceptable to the President or for votes to override his veto. A bill may also become law if the President fails to sign it or return it to Congress within 10 days while Congress is still in session.

⁴⁵ Reports are numbered consecutively, beginning with the first report of a Congress. Thus, although they often are released nearly simultaneously with a bill, Committee report numbers will not correspond to bill numbers.

⁴⁶ Schick, p. 148.

(8) Structure of Appropriations Bills: Every appropriations bill has three general features: an enactment clause designating the fiscal year; account appropriations and specific account provisions; and provisions that generally apply. General provisions can include limitations on obligations, "legislation" or authorization language, and provisions that apply across the government.⁴⁷

		Strategy Development	Policy, Guidance, and Regulations	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing
Products	Appropriations Bills					✓		✓
Roles	Appropriations					✓		✓

C. Strategy Development:

(1) Major Activities: No direct involvement. However, through the hearing process described above, the Committee can influence the Administration's choices.

(2) Major Stakeholders: Executive Branch Departments.

(3) Key Organizational Processes: Hearings.

(4) Associated Higher-Level Processes: Authorization.

(5) Associated Lower-Level Processes: Executive Branch Budget Preparation.
(See Volume II, Chapter 3.)

D. Policy, Guidance, and Regulation:

(1) Major Activities: No formal involvement under Senate rules. However, despite rules that prohibit doing so, legislative provisions (i.e., new laws or changes to existing laws and regulation) find their way into appropriations bills. Limitations on spending, which constitute guidance and attempts to influence policy, are also included (e.g., "except that no funds may be expended for . . ."). Finally, accompanying reports often contain guidance on how appropriated funds may or may not be obligated.

(2) Major Stakeholders: Departments and Agencies.

⁴⁷ Schick, p. 149 and 156.

(3) Key Organizational Processes: Committee and Subcommittee Hearings and Mark Ups.

(4) Associated Higher-Level Processes: Authorization.

(5) Associated Lower-Level Processes: Executive Branch Budget Preparation.
(See Volume II, Chapter 3 on the OMB.)

E. Planning: No involvement.

F. Mission Execution:

(1) Major Activities: The Appropriations Committee affects mission execution by funding or denying funds for planned and ongoing operations. It does this through the regular appropriations processes, described in paragraph 5.A.

(2) Major Stakeholders: Departments and Agencies

(3) Key Organizational Processes: Committee and Subcommittee Hearings and Mark Ups; Conference Committees

(4) Associated Higher-Level Processes: Authorization

(5) Associated Lower-Level Processes: Executive Branch Budget Preparation.
(See section entitled Office of Management and Budget.)

G. Observation, Orientation, and Oversight:

(1) Major Activities: Reviews spending of departments, agencies, and programs under its jurisdiction. Investigates programs and activities or causes investigations to be undertaken by GAO of Department/Agency Inspector Generals, publishes investigative reports, conducts hearings, and published hearing reports.

(2) Major Stakeholders: Departments, Agencies, Program Managers.

(3) Key Organizational Processes: Committee and Subcommittee Hearings and Studies.

(4) Associated Higher-Level Processes: Authorization.

(5) Associated Lower-Level Processes: Executive Branch Budget Preparation. ⁴⁸

H. Preparation: No Involvement.

⁴⁸ See section entitled Office of Management and Budget in volume entitled Executive Office of the President.

I. Resourcing:

(1) Major Activities: Amend House Bills to produce Senate version of 13 Appropriations bills that provide annual (and, under certain conditions, multi-year) funding for all U.S. Government Departments and Agencies and the District of Columbia. Considers at least one supplemental appropriations bill and one CR each year on average.

(2) Major Stakeholders: All Departments and Agencies; Authorization Committees.

(3) Key Organizational Processes: Committee and Subcommittee hearings; Mark Ups; House Senate Conferences.

(4) Associated Higher-Level Processes: Authorization.

(5) Associated Lower-Level Processes: Executive Branch Budget Preparation.⁴⁹

6. Informal National Security Process Involvement.

A. Contacts with Administration Officials: In addition to formal hearings, written testimony, written responses to questions, and SAPs, informal contacts with Administration officials occur throughout the appropriations process. Both Senators and staff members hold informal discussions with the Departments and Agencies for which they have jurisdiction. This occurs in much the same way that OMB staff contacts with Departments and Agencies do, and the purpose is to determine true needs and to separate them from nice-to-have programs. These contacts also provide Appropriators with funding ranges and what must be given up as the amount of funding decreases. While important for both chambers, in the case of the Senate (which usually limits its activities to amending the House appropriations bills), informal contacts help determine the best reallocation options.

Informal contacts with Administration officials also play a role in "end running" OMB scrutiny or their testimony. Administration officials are constrained to follow the policies and priorities established by the President and overseen by OMB. OMB reviews all official Administration testimony and all formal communications between Committees and Executive Branch officials. Thus, Administration officials cannot volunteer information during hearings. However, informal, pre-hearing contacts can help identify questions, to which witnesses must respond truthfully, that will provide information that would not normally be made available.

From a Department or Agency perspective, informal contacts with Appropriations Committee members and staff can be helpful in ensuring programs are adequately funded. This is especially important in the zero sum atmosphere brought about by joint budget resolutions. It is also important when implementing report language. Informal contacts may enable a Department or Agency to achieve some latitude in how it implements report provisions.⁵⁰

Not all informal contacts are collegial and some are adversarial. However, all sides agree that information exchanges are beneficial.

⁴⁹ See section entitled Office of Management and Budget.

⁵⁰ Schick, p. 162.

B. Contacts with Other Senators: Appropriations are the primary way that government funding reaches the States. Appropriations may be for civil works projects, government buildings or installations, or contractor programs. Regardless of purpose, Senators often seek to initiate, sustain, or increase the amount of funding for their States. If a Senator is a member of the Appropriations Committee, the task of ensuring that funds are earmarked for favorite projects is not especially daunting. Generally, the Subcommittees honor requests by their members and those of other Appropriations Committee members. For Senators who do not serve on the Appropriations Committee, the task is more difficult, but in the current climate of bipartisanship encouraged by the Chair, not impossible. Each year the number of requests for earmarks exceeds budget caps, which requires Senators on the Subcommittees to make choices among competing requests from their colleagues. The tendency is to ensure that every member receives at least some of what he/she requests in order to garner support for the Appropriations bills on the floor and to build alliances for other matters.⁵¹ Attempts to obtain earmarks are characterized by personal negotiations between Senators and between their staff representatives.

7. Funding and Personnel.

A. Funding Sources: The Senate Appropriations Committee is funded through the Legislative Branch appropriations.

B. Budget: \$6.5 million for FY2000.⁵²

C. Manpower: The Committee for the 106th Congress is composed of 15 Republicans and 13 Democrats.

8. Observations.

A. The Appropriations process itself is effective, although political considerations and debates sometimes hinder it. These considerations usually delay at least one of the 13 Appropriations bills each year because of political differences between Senators, with the White House, or both. When Appropriations bills are delayed, CRs are enacted to keep the government running, normally at the rate appropriated for the preceding fiscal year.

B. In recent years Appropriations bills have included more policy and/or legislative provisions, which some argue more properly belong in Authorization bills. These may occur without the knowledge or consent of the authorizers, or there may be an informal agreement to include the language between Senators. Whether one believes that Appropriators have exceeded their limits in these matters depends to some degree on how one is affected by it. Members who believe they have been disadvantaged by the action are likely to oppose it.

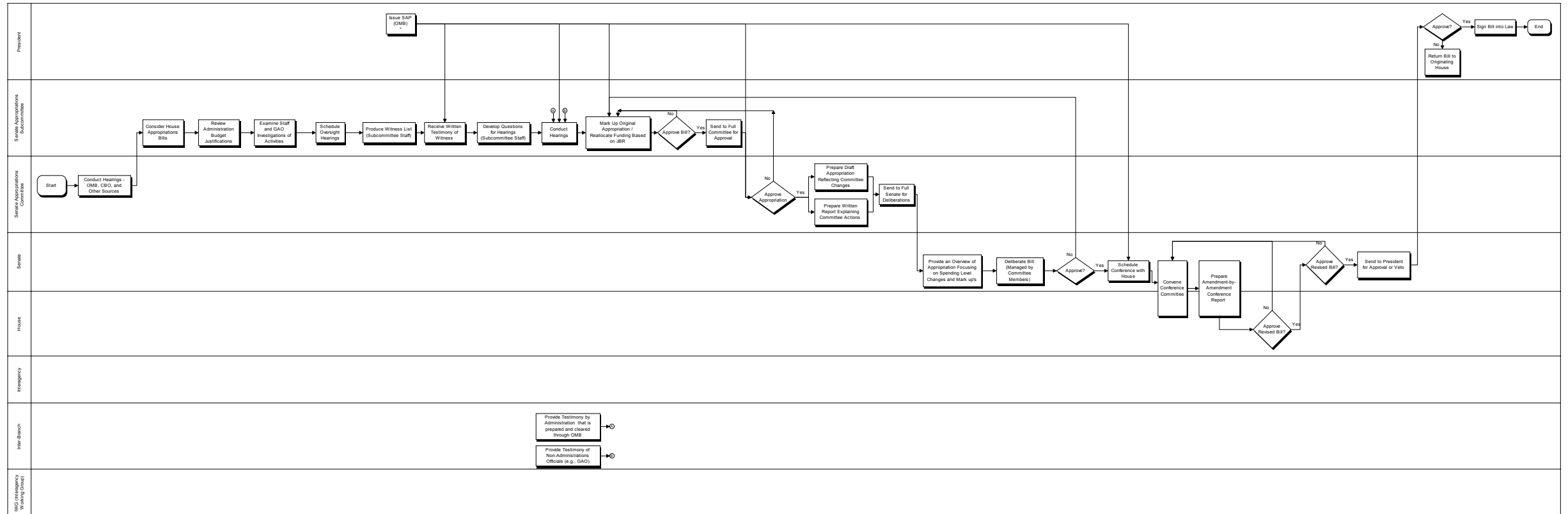
⁵¹ Interviews indicate that there is an unwritten rule to the effect that if a Senator's request is included in the Appropriations Bill, he/she is expected to vote for the entire bill.

⁵² Legislative Branch Subcommittee of the Appropriations Subcommittee.

C. Senate Subcommittees adjust funding by amending the House version, using the current year's appropriations and the spending requested in the President's Budget as their procedural framework. In practice, therefore, Senate Subcommittee deliberations focus on marginal changes in spending from the present year to the next, rather than major policy debates.

APPENDICES

Senate Appropriations Committee - Key Process - (Formal) - Appropriations



* SAP can be sent at any time.
** Mark ups are done to Joint Budget Resolution Ceilings

JBR - Joint Budget Resolution
SAP - Statements of Administration Position

ORGANIZATIONAL DESCRIPTION

SENATE ARMED SERVICES COMMITTEE



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

Senate Armed Services Committee

Overview

The Senate Armed Services Committee (SASC) is an authorization committee that considers virtually all legislation affecting the Department of Defense and some Department of Energy defense-related programs and activities. Its jurisdiction includes:

- Aeronautic and space activities associated with military operations and weapons system development;
- The common defense;
- The Department of Defense and the Military Departments and Services;
- The Panama Canal;
- Military Research and Development;
- Nuclear energy as it pertains to national security;
- Naval petroleum reserves (except those in Alaska);
- Armed Forces pay, promotion, retirement, and other benefits and privileges;
- Overseas education of military and civilian dependents;
- The Selective Service System;
- Critical and strategic materials necessary for the common defense;
- Comprehensive studies and reviews of defense policy matters; and
- Joint and sequential jurisdiction of most intelligence activity.

As an authorization committee, the SASC has jurisdiction over the organization and structure, roles and responsibilities, and the amount of funding for activities that come within its scope of authority, including the Department of Defense. It conducts hearings and considers bills, resolutions and reports on matters within its jurisdiction; conducts or directs studies and reviews of matters affecting the common defense; and conducts hearings and reports out recommendations on Presidential nominations of senior officials such as the Secretary of Defense, the Deputy Secretary, Under Secretaries and Assistant Secretaries of Defense, and all military nominations above the rank of captain (O-3).

Like most Senate Committees, the SASC plays an important role in selecting which legislative proposals within its jurisdiction will be considered by the full Senate. In this role, the Committee:

- Conducts hearings, studies and investigations;
- Schedules consideration of legislation;
- Considers (marks up) proposed bills and resolutions;
- Considers (marks up) amendments at the Subcommittee and Committee level;
- Reports them out of Committee to the full Senate;
- Manages floor debate;
- Participates in Conference Committees with Members of the House;
- Presents the Statement of Managers and the legislation arrived at in Conference;
- Manages consideration of bills/resolutions on matters within its jurisdiction; and
- Conducts oversight of laws and entities within its jurisdiction.

As is common throughout the Senate, the full Committee Chair, and to a lesser degree the Subcommittee Chairs, exercise a great deal of authority in the conduct of Committee matters.

Organization

The Committee is specified as a Class A Committee under Senate rules. In the 106th Congress, it consists of eleven Republicans and nine Democrats (one fifth of the Senate), supported by a staff of 30. The Committee is organized into six Subcommittees:

- Airland;
- Emerging Threats and Capabilities;
- Personnel;
- Readiness and Manpower Support;
- Sea Power; and
- Strategic.

The most publicly visible Committee and Subcommittee business is conducted through open hearings on legislation and Presidential nominations as well as in the business meetings in which the Committee acts upon those bills or nominations. The Committee also conducts significant hearings to receive briefings on current military operations. The consideration of legislation is called a "mark up" as the bill is examined on a line-by-line or section-by-section basis for the purpose of considering amendments. The Committee may also hold executive sessions, or closed meetings to consider classified or sensitive matters.

Role in Formal and Informal National Security Processes

		Strategy Development	Policy, Guidance, and Regulations	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing
	Products	Hearing Reports	✓	✓		✓	✓	✓
		Bill/Resolution Report	✓		✓	✓		✓
		Nomination Reports	✓			✓		✓
		Cmtee/Staff Reports	✓			✓		✓
		Conference Report	✓			✓		✓
		Subpeonas				✓		✓
		Cmtee Amendments	✓			✓		✓
Roles		Advice & Consent	✓	✓	✓	✓	✓	✓

Strategy Development. The Committee and its Subcommittees can influence Executive Branch strategy development in a number of ways. The Committee can spotlight important strategic issues by holding hearings and providing hearing reports, by issuing special Committee and staff reports, and by conducting investigations. The Committee may push a Strategy debate into the public eye, or it can enhance or influence a debate in favor of or against a specific proposal. By constructing authorization bills and bills that regulate various aspects of national defense—such as the organization or structure of agencies, the legal authorities of the agencies, and the individuals allowed to hold high office via the confirmation process—the Committee can limit, expand, or influence the Administration's strategic options.

Similarly, by using the "power of the purse" the SASC can influence strategy development by the amount of funding it authorizes for various Executive Branch departments, agencies, organizations, programs or activities. Interviews suggest that the ability to influence funding continues to be the most effective way to shape Administration policy. Also, the SASC discusses issues under consideration in the House of Representatives and engages in direct negotiations with the House through Conference Committees and preparation of the Statement of the Conference Mangers.

The Constitutional power of "advise and consent" grants the Committee significant influence over various Strategy Development issues through consideration of nominations. The ability to question a nominee, or even delay or deny a President confirmation of a specific individual for high office—or to extract promises from the nominee or Administration in return for a favorable recommendation—is a significant lever in shaping policy or specific Executive Branch activities. The SASC frequently uses the Senate's advise and consent role to hold hearings on treaties that have implications for national security and that are also considered by the Committee on Foreign Relations, even though this may cloud jurisdictional lines.

Finally, the Committee and its Chair or senior leaders often have significant power in influencing the Senate when it considers legislation, resolutions and amendments concerning strategy on the floor.

Policy, Guidance, and Regulation. Through hearings, debates, rules, reports, legislative language, and limitations (or ear marks) on funds the Committee has the ability, if it chooses, to impose or reject specific policies, guidance, and regulations on the various departments, agencies, organizations, and programs that lie within its jurisdiction.

Planning. The SASC has no direct role in national security planning. However, it can influence virtually any national security planning matter. This influence may occur when a specific Senator advocates or opposes a plan, or it may result from informal alliances between individual senior Executive Branch officials and Senators. The public debate on various plans that can occur in hearings (especially those covered by the Constitutional "speech and debate" clause) can be used to influence planning functions. The Committee's ability to pass resolutions of approval or disapproval on deployments also influences planning.

Mission Execution. Through bill and resolution reports, legislation, the use of ear marks, mandates, and funding prohibitions the Committee can affect the ways in which the Executive Branch undertakes and manages missions. The way in which the Administration conducts an operation can also be subjected to oversight hearings and investigations. Investigations can be conducted by the Committee staff, the General Accounting Office, and/or various Inspectors General.

Observation, Orientation, and Oversight. Senate Committees have a long-standing history of providing oversight of legislation, operations, and activities of the Executive Branch. As was true of Strategy Development, the Committee can make an impact in this area through hearings, bills and resolution reports; consideration of nominations; Committee and staff reports and investigations; conference reports; and Committee amendments offered on the floor during debate.

In Observation, Orientation, and Oversight, the Committee also has the power to subpoena witnesses. It may direct the General Accounting Office to conduct investigations or oversight of specific departments, agencies, organizations or programs. The SASC initiated the legislation that created the DoD Inspector General. It may also utilize its statutory relationship with the various Inspectors General to conduct specific oversight activities. These efforts can lead to no action, a change in law, an increase or decrease in funding, or referrals to the Department of Justice for consideration of criminal charges.

Preparation. Hearing reports can also be used to encourage or discourage specific national security preparations.

Resourcing. The "power of the purse" is a long-standing instrument to influence the Executive Branch. All of the Committee's products can have resource implications, especially with respect to authorization bills for the Department of Defense and related agencies and activities. While Senate rules require authorization bills to guide Appropriations procedures, appropriators occasionally act to fund programs in the absence of authorizing language. The SASC has significant "negative" power to deny (zero) programs and/or fence expenditures. This is a major burden for either the Appropriations Committees or the Executive Branch to overcome.

Informal processes primarily involve contacts between Senators and staff members with Executive Branch officials, members of academia, political action groups, and constituents. Senators often travel to military bases and conduct overseas travel to gather information informally. Senators use informal contacts to influence legislation pending in the Committee on Armed Services, in other Committees, and on the floor of the Senate. They also use informal personal contacts to influence conference proceedings. In addition, Senators with special knowledge and interest (or those holding leadership positions and seniority) may engage effectively in informal efforts to influence the Administration through direct communications with the President, the Vice President (who also serves as the President of the Senate), or any Cabinet Officer or Sub Cabinet Officer.

Other informal processes that affect national security include "trades" between Senators and/or between Senators and Members of the House as part of negotiations. Members also issue individual press releases about issues, or the Committee may issue them. These releases focus attention on a particular issue and/or increase public awareness. Increased public awareness can lead to increased pressure on colleagues or Administration officials, and thus influence their behavior. Senators also attempt to persuade (i.e., lobby) Administration officials to act in certain ways, and they engage in dialogues with constituents and special interests.

Observations

Given the tremendous number of legislative proposals presented each year, the Committee system works effectively to ensure that only the most significant are brought to the Senate floor for deliberation. Reasons for delays and failures are usually found in political considerations or the ways in which the system is manipulated, not the system itself. The effectiveness of a Committee in imposing its will is often dependent on the personal standing and reputation of the members and the Chair, the state of the world, threats to the nation, and the need to remedy existing conditions.

Hearings are a powerful tool and often serve as a focal point for national security debates. They highlight issues and generate support, and the resulting bills and resolution reports can produce significant changes. For example, Authorization bills and accompanying reports can require Executive Branch Departments to report on programs, processes, and procedures; reduce or increase authorized funding; and earmark funds for particular purposes *inter alia*.

Through the provisions of bills reported out by the Committee, the SASC can affect Administration policy, organizational structures of the Defense Department and related organizations, nominations for senior positions, and the resourcing of some Executive Branch activities.

Committee and Subcommittee Chairs control committee processes through personal interaction with other Senators and by the control they exert over members of the Committee staff. Although there are often compromises with Ranking Members from the Minority party, the Chairs have tremendous latitude in scheduling legislation for consideration and calling hearings.

The power and influence of Congressional Committees depends on a unique combination of five factors: Committee jurisdiction; the issue under consideration; the politics surrounding

that issue; the personal position, influence, and demeanor of the Chair; and Committee norms and traditions. Depending on circumstances, any one of these factors may be predominant for a given event. For example, if the issue under consideration is one that threatens national security, then the issue will have priority over politics, jurisdiction, the Chair, and the way matters have been handled traditionally. Or, if the nation is concerned about an issue, then political considerations may be primary. This description, while general and not without exception, applies to the SASC.

Those interviewed noted that the Executive Branch does not consult with Congress on important national security matters. This lack of consultation is blamed for a number of Administration failures, most recently the Comprehensive Test Ban Treaty. Both current staff and former Members agreed that while the Administration sometimes informs Congress, real consultation is rare. The tendency to "inform" rather than "consult" with Congress is not unique to the current Administration, however.

Staff of both the SASC and the Committee on Foreign Relations indicated in interviews that jurisdictional lines are blurred. Both Committees claim responsibility for some areas and this overlap can lead to tensions that are not always healthy. However, in a larger sense, jurisdictional spats are indicative of the complexity of current national security problems and issues.

ORGANIZATIONAL DESCRIPTION

SENATE ARMED SERVICES COMMITTEE¹

1. Legal Specifications and Authorizations.

Authorization: Committees are creations of Congress. There is no requirement for committees in the U.S. Constitution or in the U.S. Code. Instead, they are created by Congress to enable it to carry out its constitutional responsibilities. Senate Rule XXV applies to the establishment of Committees and Subcommittees.

2. Missions/Functions/Purposes.

A. Major Responsibilities: The Senate Armed Services Committee (SASC), an Authorization Committee, has jurisdiction over the following matters:²

(1) Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations [Key Processes Relation: Observation, Orientation, and Oversight; Preparation; Resourcing];

(2) The Common Defense [Key Processes Relation: All];

(3) The Department of Defense, the Department of the Army, The Department of the Navy, and the Department of the Air Force, generally [Key Processes Relation: Strategy Development; Policy, Guidance, and Regulation; Mission Execution; Observation, Orientation, and Oversight; Preparation; Resourcing];

(4) Maintenance and operation of the Panama Canal, including administration, sanitation, and government of the canal zone³ [Key Processes Relation: Observation, Orientation and Oversight; Resourcing];

(5) Military Research and Development [Key Processes Relation: Observation, Orientation, and Oversight; Preparation; Resourcing];

(6) National Security aspects of nuclear energy [Key Processes Relation: Observation, Orientation, and Oversight; Resourcing];

(7) Naval petroleum reserves, except those in Alaska [Key Processes Relation: Policy, Guidance, and Regulation; Observation, orientation, and Oversight];

(8) Pay, promotion, retirement, and other benefits and privileges of the Armed Forces, including overseas education of military and civilian dependents [Key Processes Relation: Observation, Orientation, and Oversight];

¹ Officially, the Committee is the Committee on Armed Services. The more popular title is used here.

² SASC website www.senate.gov.

³ With the reversion of the Canal to Panama, this jurisdiction is subject to change, but this language is still included with other Committee jurisdictions.

(9) The Selective Service System [Key Processes Relation: Policy, Guidance, and Regulation; Observation, Orientation, and Oversight; Resourcing];

(10) Strategic and critical materials necessary for the common defense [Key Processes Relation: Observation, Orientation, and Oversight; Preparation; Resourcing]; and

(11) Sequential and joint jurisdiction over most Intelligence activity (this is due to the fact that a portion of the funding for intelligence is provided in the Defense Budget) [Key Process Relation: Observation, Orientation and Oversight; Resourcing.]

B. Subordinate Committees:⁴ The SASC is organized into six subcommittees on: Airland; Emerging Threats and Capabilities; Personnel; Readiness and Management Support; Seapower; Strategic. (See paragraph 4.E. for Subcommittee membership and jurisdiction.)

C. Major Products: The SASC produces Hearing Reports, Bills and Resolutions with Reports, Nomination Reports, Committee and Staff Investigative Reports, Conference Reports (with the House Conferees), and Committee Amendments for legislation under consideration on the floor of the Senate. It also conducts Advice and Consent proceedings for Presidential appointments requiring Senate approval, including senior Department of Defense officials and most military officers. It has the power to compel testimony by issuing subpoenas.

3. Vision and Core Competencies.

A. Vision: There is no published vision statement. Committee operations reflect the views and priorities of the Committee and Subcommittee Chairs and the majority of the Committee Members.

B. Core Competencies: Core competencies include national security and operations of the Department of Defense and portions of the Department of Energy that deal with nuclear energy that have national security implications.

4. Organizational Culture.

A. Values: There are no published values.

B. Leadership Traditions: Committee and Subcommittee Chairs, selected in accordance with party rules, have a great deal of power in terms of establishing operating procedures and deciding which pieces of legislation will be reported out of Committee for action on the Senate floor. Party politics are the major determinate in the operation of the Committee. Seniority remains a significant leadership tradition. Junior Senators tend to defer to senior members as a matter of tradition. These traditions have weakened in recent years, however. In selecting Committee and Subcommittee Chairs, seniority plays a significant role, as does how well a Senator's colleagues think he/she will represent their individual and aggregate interests, party positions, and seniority are also significant factors.

⁴ www.senate.gov/foreign/subcom.htm.

C. Staff Attributes: The Committee staff comes from a variety of backgrounds and includes attorneys, academics, and those with firsthand experience of national security operations. Successful staffers have both functional and procedural expertise. In providing support to the Committee, staffers ensure that Senators receive credit for all successes and are shielded from blame on those occasions when things go awry. Sometimes the tradition of supporting Senators' inclinations requires staff to produce assessments and analysis that are not especially objective. Staff members are usually responsible for several areas, and their expertise in these areas is almost always greater than that of individual Senators because Senators are concerned with a broader range of issues.⁵ Thus, while staffers may maintain a discreet role, Senators' decisions are often based on staff information and guidance.

There are both Majority and Minority staffs, and in the 106th Congress, the Majority staff is larger. Each Majority staff member owes his position to the Committee Chair and is under his direction. The Ranking Member hires the Minority Staff Members, and they work under his direction. Party politics coupled with special knowledge and expertise are key determinants of staff appointments. When the Chair or Ranking Member changes, their successors are likely to bring in at least a few new staff members. If the balance in the chamber as a whole changes, the staff turn over will be greater as the new leadership appoints additional staff members over and above those they already have, and the new Minority party releases staff to bring their total staff into line with the rules.

In the 106th Congress, the professional staff consists of 18 Majority staff and 12 Minority staff, exclusive of interns, which is a relatively small staff considering the scope of the Committee's jurisdiction. Staff members are assigned responsibility for certain issues or areas. The staff may include personnel from the Executive Branch on reimbursable or non-reimbursable detail.⁶ This practice enables the Committee to draw on the experience of practitioners from Executive Branch Departments and Agencies with firsthand knowledge of areas over which the Committee has jurisdiction. There are strict rules concerning the use of borrowed personnel, including prohibitions on their use for purely political and campaign duties. Subcommittees have no assigned staff; however staff members may be assigned to support a Subcommittee.⁷

D. Strategy: The Committee and Subcommittee strategies reflect the strategies of the Chair, the political parties, the Majority members, the individual Senators. There is no published Committee Strategy document.

E. Organization: Senate standing committees are broken down into three categories: Class A committees, Class B committees, and Class C committees. The SASC is a Class A committee. A Senator may not serve on more than two Class A committees and one Class B committee.⁸ A Senator may normally be the Chair or Ranking Minority member of one Class A subcommittee or one Class A committee plus one Class A subcommittee.

⁵ Typically, in addition to issues of interest to their constituents, Senators will serve on two Committees.

⁶ Senate Resolution 189, Section 10, authorizes the committee to use detailed personnel from the Executive Branch if their parent agencies or departments concur. The terms reimbursable and non-reimbursable refer to whether the Committee is expected to compensate Executive Branch organizations for use of their personnel.

⁷ Interviews with SASC staff.

⁸ Marlowe, Howard. How Congress Works: A Handbook on Congressional organization and the Legislative Process. www.netlobby.com (Hereafter Marlowe).

Committee membership is determined by rules adopted by each political party, and members are selected during party caucuses or conferences, based on leadership recommendations. As one source points out, "the committee appointment process offers a means of promoting party discipline through the granting or withholding of desired assignments."⁹ The Secretaries of the Majority and Minority parties assemble requests from Senators for Committee assignments. These requests are passed to a Steering Committee, whose members are selected by the Secretary, and this Committee makes recommendations to the party leadership. Generally, Minority party membership on Committees mirrors their total membership in the Senate, and this custom is followed in subcommittee appointments.¹⁰ The Committee Chair, in consultation with the Majority party committee members, selects Subcommittee Chairs. The Minority follows a similar practice in selecting Ranking Members. The Committee in the 106th Congress consists of 11 Republicans and 9 Democrats.

As noted in the following paragraphs, the Committee has a broad jurisdictional range. As has been true in the past, the scope of its interests sometimes leads to jurisdictional disputes with other Senate Committees. This partly results from Senate rules that have evolved since the end of World War II. Compared to the complex nature of current national security problems, those that confronted Congress during the Cold War were less complicated. Jurisdictional squabbles are symptomatic of this new complexity and are likely to become more frequent and perhaps more intense.

SENATE ARMED SERVICES COMMITTEE

Republicans (11)	Democrats (9)
John Warner (VA)– Chair Strom Thurmond (SC) John McCain (AZ) Bob Smith (NH) James M. Inhofe (OK) Rick Santorum (PA) Olympia J. Snowe (ME) Pat Roberts (KS) Wayne Allard (CO) Tim Hutchinson (AR) Jeff Sessions (AL)	Carl Levin (MI) – Ranking Member Edward M. Kennedy (MA) Jeff Bingaman (NM) Robert C. Byrd (WV) Charles S. Robb (VA) Joseph I. Lieberman (CT) Max Cleland (GA) Mary L. Landrieu (LA) Jack Reed (RI)

Senate rules prevent Committee members from also serving on the Senate Armed Services Committee and/or the Senate Appropriations Committee. However, Senator Byrd was a member of both committees before new rules were enacted and was "grandfathered" and allowed to continue to serve on both.

The Committee is organized into Subcommittees as described in paragraph 2, above. Senator Warner, the Committee Chair, and Senator Levin, the Ranking Member are *ex officio* members of all Subcommittees.

⁹ Learning About the Senate. "Senate Briefings: Committees." (http://www.senate.gov/learning/brief_11.html).

¹⁰ Marlowe, p. 1, Zone Two—Committee Action.

Subcommittee membership for the 106th Congress and a precis of jurisdictional responsibilities follow.¹¹

(1) Airland:

Republicans (5)	Democrats (4)
Rick Santorum—Chair James M. Inhofe Pat Roberts Wayne Allard Tim Hutchinson	Joseph I. Lieberman—Ranking Member Max Cleland Mary L. Landrieu Jack Reed

Subcommittee responsibilities include Army, Air Force (less strategic forces, strategic airlift, and Special Operations programs), and Navy and Marine Corps tactical aviation; National Guard and Reserve equipment; oversight of Army and Air Force Research and Development and Test and Evaluation (RDT&E) and procurement (less technology base, strategic forces, Special Operations, strategic airlift and ammunition; and Navy and Marine Corps RDT&E and procurement related to tactical aviation.

(2) Emerging Threats and Capabilities:

Republicans (5)	Democrats (4)
Pat Roberts—Chair Bob Smith Rick Santorum Olympia J. Snowe Jeff Sessions	Jeff Bingaman—Ranking Member Edward M. Kennedy Robert C. Byrd Joseph I. Lieberman

The Emerging Threats and Capabilities Subcommittee has a number of responsibilities. These include policies and programs to counter emerging threats such as: proliferation of weapons of mass destruction, terrorism, illegal drugs, and other asymmetric threats, information warfare programs, technology base programs, Special Operations programs, and emerging operational concepts. It also has responsibility for foreign military sales, technology export policies, Nunn-Lugar issues, Department of Energy nonproliferation issues, and doctrine and Research and Development (R&D) in support of non-traditional military operations.¹²

The Subcommittee also exercises oversight over RDT&E budget accounts for technology base; dedicated information warfare; Special Operations procurement; counter drug programs; support for low intensity conflict and peacekeeping; Department of Defense (DoD) and Department of Energy (DoE) counterterrorism and chemical and biological warfare defense. Additionally it has oversight of DoD commands and agencies including the Defense Advanced Research Projects Agency (DARPA)¹³, Defense Security and Cooperation Agency (DSCA), the

¹¹ Jurisdiction provided by the SASC staff in a memorandum entitled SUBCOMMITTEE STRUCTURE FOR THE COMMITTEE ON ARMED SERVICES [sic].

¹² The Nunn-Lugar Act focuses on providing financial incentives to former USSR states in return for their cooperation in limiting nuclear weapons and related facilities.

¹³ See the section entitled Defense Advanced Research Projects Agency in the volume entitled Department of Defense.

Defense Threat Reduction Agency (DTRA),¹⁴ and the U.S. Special Operations Command (USSOCOM).

(3) Personnel:

Republicans (4)	Democrats (3)
Wayne Allard—Chair Strom Thurmond John McCain Olympia J. Snowe	Max Cleland—Ranking Member Edward M. Kennedy Jack Reed

This subcommittee has jurisdiction over policies and strengths for military and civilian personnel, military health care, compensation, and force structure. Its jurisdiction includes Morale, Welfare, and Recreation; Professional Military Education; military promotion and appointment nominations; DoD Section 6 schools; civil-military programs; POW/MIA issues; family housing policy; and the Armed Forces Retirement Home.

It oversees budget accounts for military personnel, military retirement, Defense health care, and operations and maintenance (O&M) accounts related to personnel and health care. It exercises oversight of the Under Secretary of Defense for Personnel and Readiness, the Assistant Secretary of Defense (ASD) for Reserve Affairs, the ASD for Health Affairs, and the ASD for Force Management and personnel. Additionally, the Subcommittee exercises oversight of the Defense Commissary Agency, the Army and Air Force Exchange System, the Navy Exchange, The Marine Corps Exchange, and the Uniformed Services University of Health Services.

(4) Readiness and Management Support:

Republicans (6)	Democrats (5)
James M. Imhofe—Chair Strom Thurmond John McCain Rick Santorum Pat Roberts Tim Hutchinson	Charles S. Robb—Ranking Member Jeff Bingaman Robert C. Byrd Max Cleland Mary L. Landrieu

The subcommittee's responsibilities include military readiness (i.e., training, logistics, and maintenance); military construction; business management reform issues (i.e., acquisition reform, commercial management organization and practices, and information technology management policy); and environmental programs. The subcommittee has additional special interest areas that include: Base Realignment and Closure (BRAC), RDT&E infrastructure policies and programs; the National Defense Stockpile;¹⁵ procurement of conventional

¹⁴ DTRA was created as a result of the Defense Reform Initiative Report of November 1997. The agency combined several organizations (including the On Site Inspection Agency and the Defense Special Weapons Agency). DTRA has been designated a Combat Support Agency under the provisions of Section 193, Title 10, U.S.C., which requires special assessments by the Chairman of the Joint Chiefs of Staff. The results of these assessments are presented to the Secretary of Defense for action as appropriate, not to the SASC or the Emerging Threats and Capabilities Subcommittee.

¹⁵ The National Defense Stockpile includes vital natural resources such as uranium of various types and chemicals that would be needed in case of a national emergency that required increased production of certain types of military goods, or in case

ammunition; defense technology and industrial base policies; and the operation of industrial facilities (i.e., depots, shipyards, arsenals, and ammunition plants).

The Readiness and Management Subcommittee has oversight of several budget accounts including O&M, BRAC, readiness (including conventional ammunition procurement); military construction (including family housing); RDT&E support programs (including ManTech); working capital funds; and the National Defense Stockpile Fund. It exercises oversight of the Defense Logistics Agency;¹⁶ the Defense Finance and Accounting Service; the Defense Investigative Service; the Defense Contract Audit Agency; and the DoD Inspector General.

(5) Seapower:

Republicans (4)	Democrats (3)
Olympia J. Snowe—Chair John McCain Bob Smith Jeff Sessions	Edward M. Kennedy—Ranking Member Charles S. Robb Jack Reed

The Seapower Subcommittee is responsible for Navy and Marine Corps programs and procurement and RDT&E accounts (less tactical aviation); strategic lift programs (including Army and Air Force programs); and the U.S. Coast Guard and maritime issues. It exercises oversight of the United States Transportation Command (USTRANSCOM; see Volume IV Chapter 7). It also exercises oversight of National Defense Sealift Fund.

(6) Strategic:

Republicans (6)	Democrats (5)
Bob Smith—Chair Strom Thurmond James Imhofe Wayne Allard Tim Hutchinson Jeff Sessions	Mary L. Landrieu—Ranking Member Jeff Bingaman Robert C. Byrd Charles S. Robb Joseph I. Lieberman

The subcommittee has responsibility for nuclear forces; intelligence, space, and Ballistic Missile Defense programs; and DoE defense nuclear and environmental programs. It oversees the following budget accounts: nuclear forces and space systems procurement and RDT&E; 054 intelligence activities; Tactical Intelligence and Related Activities (TIARA); and Joint Military Intelligence Programs (JMIP).

The Strategic Subcommittee exercises oversight of several DoD and DoE officials including the Assistant Secretary of Energy (Military Programs); the Assistant Secretary of Energy (Environmental Management), and the Assistant to the Secretary of Defense for Atomic

foreign sources of these materials were no longer available. During the Cold War, the stockpile was substantially larger than at present; a large amount of the stockpile has been sold off over the past decade.

¹⁶ DLA has been designated a Combat Support Agency under the provisions of Section 193, Title 10, U.S.C., which requires special assessments by the Chairman of the Joint Chiefs of Staff. The results of these assessments are presented to the Secretary of Defense for action as appropriate, not to the SASC or the Readiness and Management Support Subcommittee.

Energy. It exercises oversight for the Defense Nuclear Facilities Safety Board; The United States Strategic Command (USSTRATCOM);¹⁷ the United States Space Command (USSPACECOM);¹⁸ the Defense Intelligence Agency (DIA);¹⁹ the Ballistic Missile Defense Office (BMDO); the National Reconnaissance Office (NRO); and the National Imagery and Mapping Agency (NIMA).²⁰

5. Formal National Security Process Involvement.

A. Overview of the Legislative, Committee, and Subcommittee Processes:²¹

(1) Formal Legislative Process: (See the process map at the appendix for a description of this process.) The Senate operates under a set of rules. However, it operates most effectively when it waives its rules, usually through unanimous consent or senatorial courtesy. The Senate operates primarily through two types of majority rules: the first is a simple majority (51 Senators); the second is a super majority that can invoke cloture (60 Senators). The latter is necessary to cut off debate and bring issues to a vote; the former is usually sufficient to pass legislation.²²

Each year, thousands of legislative proposals are introduced in Congress; however, only a small percentage of proposals that are introduced in the Senate and placed before Committees reach the floor for deliberation, amendment, and full-Senate decisions. The Committee system is designed to select from this vast number those proposals that are deemed most important for the nation. The expression "died in Committee" applies to the greatest number of annual proposals.

Senators may introduce legislation, either on their own initiative, or on behalf of individuals and/or groups. Most legislative proposals (which take the form of bills or resolutions) come from several sources, including the Executive Branch.²³ For example, the President proposes legislation in his State of the Union message, his budget, and in executive communications to Congress. Executive Branch Departments and Agencies may also make proposals, which are filtered through the Office of Management and Budget (OMB). (See also Volume II, Chapter 3 on the Office of Management and Budget.)

¹⁷ For a description of the Unified Commands such as STRATCOM and SPACECOM, see the section entitled Unified Commands in the volume entitled Department of Defense.

¹⁸ For a description of the responsibilities of USSTRATCOM and USSPACECOM see section entitled The Unified Commands.

¹⁹ For a description of DIA, see section entitled The Defense Intelligence Agency.

²⁰ DIA and NIMA have been designated Combat Support Agencies under the provisions of Section 193, Title 10, U.S.C., which requires special assessments by the Chairman of the Joint Chiefs of Staff. The results of these assessments are presented to the Secretary of Defense for action as appropriate, not to the SASC or the Strategic Subcommittee. (See the section entitled Office of the Secretary of Defense in the volume entitled Department of Defense for a complete listing of combat support agencies.)

²¹ See Marlowe Dove, Robert B. (Parliamentarian, U.S. Senate; hereafter Dove). Enactment of a Law. <http://thomas.loc.gov>. and Congressional Research Service. The Committee System in the U.S. Congress, 1994 www.sen.gov/committees.

²² Constitutional exceptions to the simple majority rule include overriding a Presidential veto, conviction in an impeachment proceeding, and treaty ratification which require a 2/3rds majority for passage.

²³ Bills are general legislative proposals. Resolutions are "used primarily to express the sense of the Senate. . . or to take care of "housekeeping" matters, including changes in rules, that apply only to the Senate." Joint Resolutions have the same effect as bills. Concurrent resolutions express the sense of Congress; affect housekeeping activities common to both houses; or modify the language of a proposal already passed by one house. See Dove.

In the Senate, legislative proposals, regardless of source, can only be introduced by Senators, acting either on their own or "by request."²⁴ They are introduced during the period known as "morning hour," although rules usually accommodate bill introduction at any time during a legislative day.²⁵ In the Senate, bills and resolutions have only one principal sponsor, but it is common for other Senators to co-sponsor proposals. Co-sponsorship can be partisan or bipartisan, and it is important for moving bills through the system.

Once introduced and recorded the Presiding Officer of the Senate refers proposed legislation to the appropriate Committee where it is placed on the calendar. Where it falls on the calendar is an indication of how seriously the Committee Chair intends to pursue it. Usually proposals are further allocated to Subcommittees for study and subsequent report to the full Committee. What happens next depends on whether the Committee and Subcommittee chairs are favorably disposed toward the legislation.

If they oppose the legislation, or do not assign it a high enough priority on the calendar, the bill will languish in Committee; unless extraordinary measures are taken, it will not be considered by the full Senate.²⁶ When the Committee does not consider a bill or resolution, the matter may be dropped, or it may be reintroduced at the next session.

Whether a bill is considered often depends on who sponsors and co-sponsors it and their relationship with the Chair. If many Committee members co-sponsor a bill, it has a better chance of moving through the Committee process, for example. Even if the Chair opposes it, he/she may not be willing to engage in the divisive politics of refusing to consider the measure. If the President and the Committee Chair are of the same party, the bill is likely to have a better chance because the Chair may not want to risk partisan infighting. If the President and the Chair are of different parties, the bill may still receive a hearing, but the hearing may be hostile and designed to embarrass the Executive Branch.

If the Committee or Subcommittee Chairs are disposed to consider and report a Bill out of committee for floor deliberation, they use essentially the same procedures. The Chair may first ask for written comments from the Executive Branch. If the proposed legislation has been passed to a Subcommittee, the next step is for the Subcommittee to hold hearings in which witnesses provide both written and oral testimony. Based on the outcome of these initial steps, the Subcommittee will "mark up" the bill or resolution—that is a line-by-line or section-by-section review that includes amending the original language (and often the intent) to bring it in line with Committee and Subcommittee member preferences.²⁷ Mark ups may be open to the public, or, if classified information is discussed (as it often is for intelligence programs that are part of the DoD Authorization bill), they may be closed. Generally, most of the actual line-by-line review is done by the staff, who identify key passages and recommend alternative language

²⁴ Bills introduced on behalf of the Administration, private groups, or private citizens are annotated "by request." A Senator introducing such a bill may do so as a courtesy, and may not actually favor the legislation. For example, Administration bills are traditionally introduced by the Committee Chair having jurisdiction, even though the Chair may be from the opposing party.

²⁵ Technically, a legislative "day" is the time from one adjournment until the next adjournment and usually includes a number of calendar days.

²⁶ There are parliamentary mechanisms for end-running committee chairs, but they are rarely used because using them is considered a "slap" at the Chair, which is likely to rebound to the initiator's disadvantage at a later point.

²⁷ Not all Senate Committee Chairs allow their Subcommittees to conduct mark ups. In the Committee on Foreign Relations, for example, mark ups are conducted only by the full Committee according to Committee staff.

and other amendments to Senators. The staff is especially influential in resolving the many small issues that are not of interest to Senators.

When a majority of Subcommittee members approve the marked up version, it is sent to the full Committee. If the Committee Chair elects to consider the bill, it goes through a similar mark up (including introduction of amendments by Committee members),²⁸ and is then voted on by the entire Committee. Once the Committee approves the bill by a simple majority vote, the Committee staff prepares a draft of the bill that reflects Committee changes, which is sent to the full Senate for deliberation. The full Committee reports out most bills passed in Subcommittee (usually with some modifications); the full Committee rejects a few; and the Chair may not allow the full Committee to consider others.

Usually, bills sent to the floor are accompanied by a written report (prepared by the Committee staff) that explains the Committee's actions and intent, describes the rewritten bill, and makes arguments for passage.²⁹ Senators voting in the Minority on a bill that is reported out of Committee may also provide a written report that states their views. Once on the floor, the Committee Chair (and/or a Senator(s) designated by him) manage the bill or resolution during floor deliberations. The Committee staff assists floor managers by building support with the staff of Senators who are not members of the Committee, preparing floor remarks, and overseeing additional amendments, including Committee Amendments offered by the Chair to offset the effects of other floor amendments.

Once the entire Senate has passed a bill, it is sent to the House of Representatives for consideration and action.³⁰ The House uses a similar process for Committee consideration, and action, but its rules and procedures differ. Once the House has completed action on the Bill, and if it does not agree with the Senate Bill, a Conference Committee is appointed by each body to reconcile differences between the two versions.³¹ During conference, the majority of differences are worked out by staff; however, Conference Committee members are personally involved with important issues that defy staff resolution. At the conclusion of the Conference, either the House or the Senate prepares the Managers' or Conference Report and the reconciled bill is returned to each chamber for consideration without amendment. Generally, the House takes action on the conference bill first, then sends it to the Senate.

When both chambers pass the bill, it is sent to the White House for the President's signature (or veto). If the bill becomes law, the Committee that initially considered the legislation normally has oversight responsibility to ensure the Executive Branch adheres to its provisions unless other arrangements are made. For example, the SASC has oversight authority over the Defense Authorization bill, which applies to DoD and can hold oversight hearings and conduct investigations to ensure the bill's requirements are adhered to by the Administration. As noted in the description of Subcommittee jurisdictions in paragraph 4.E., the Committee and its

²⁸ Amendments may be considered individually or en bloc, depending on Committee rules and the desires of the Chair.

²⁹ Reports are numbered consecutively, beginning with the first report of a Congress, and do not match bill numbers.

³⁰ The exception to this is if the Senate is considering a bill or resolution that originated in the House of Representatives. In that case, once the Senate version of the measure is passed by the Senate, the measure goes to Conference.

³¹ In the case of most authorization bills, the Senate and House begin work on them independently, but almost simultaneously. Although informal contacts may keep members apprised of what the other chamber is doing, there is no formal collaboration until the conference. For appropriations measures, the Senate normally awaits the House version, then amends that bill. The amended appropriations bill becomes the basis for conference.

Subcommittees have oversight authority over a number of DoD and DoE activities, programs, and budgets.

(2) Hearings: Hearings are one of the most visible and effective formal methods for Committees to exert influence over the seven Key Processes identified by the U.S. Commission on National Security.³² Typically, hearings on legislative proposals other than Authorization bills begin in the appropriate Subcommittee; however, they also occur at meetings of the full Committee, especially in the authorization process. According to its 1999 schedule, the full committee conducted 42 hearings during the period January through November 1999. Subcommittees held varying numbers of hearings during the same time period.³³ Members of both parties may recommend witnesses, and all Senators may question them for specified periods of time, depending on the rules that are in force. Hearings may be supplemented by staff research. Occasionally, this research will take on the proportions of a major study (e.g., the staff study that accompanied the Goldwater-Nichols Act of 1986, which reformed DoD.) In a given legislative year, some hearings will focus on a theme (e.g., ballistic missile defense), and there will be multiple hearings on these topics.

In addition to hearings on bills, Committee and Subcommittees hold hearings for other reasons that include spotlighting particular issues. This type of hearing may include oversight hearings and focus on a particular issue, program, or Executive Branch action in relation to the appropriate law. Hearings are also conducted to fulfill the Committee's advice and consent responsibilities—in this case with respect to Department of Defense senior officials and senior officer promotions. Hearings may be conducted as a way of scrutinizing Administration actions or pressuring the Administration to act in certain ways.

For example, the SASC has jurisdiction over military personnel matters, thus it can—and has—held hearings that are designed to shape Administration policy with respect to pay and personnel readiness. It can do the same with overall military readiness, and recently did so by requiring testimony on the readiness of the Services from the Chairman and Joint Chiefs of Staff.

Committee and Subcommittee Chairs have broad latitude in structuring hearings regardless of type. They often have the final decision on witnesses and they often organize or "stage manage" proceedings so that testimony supports their position. Usually, Senators from the Minority party will have some latitude to negotiate for their own witnesses, and/or they may treat those witnesses chosen by the Majority in a hostile manner.

Committee and Subcommittee staffs usually prepare packets prior to hearings that include copies of the witnesses' written testimony and suggested lines of questioning.³⁴ Separate packets are often prepared for Majority and Minority Senators and reflect Chair (or Ranking Member) and party views. During and following hearings, the staff tracks and collects question-for-record responses from witnesses (i.e., those responses to questions for which the witness will provide a written answer). The staff also maintains a hearing file, which includes research,

³² Committee staff indicates that they believe most of what they do falls into policy, oversight, and program/activity authorizations. However, the description of Committee activities for this report places Committee activities and products in the USCNS/21-directed format.

³³ http://www.senate.gov/armed_services/hearings.htm.

³⁴ Most witnesses submit written testimony prior to hearings and their oral testimony summarizes the printed text. Instructions prepared by committees prior to hearings encourage witnesses to keep their opening statements brief, leaving Senators ample time to question witnesses.

written testimony, transcripts, and other information both for historical record and future research. At some point after hearings are concluded, the staff will prepare a hearing report, one of several types of reports issued by Committees.

(3) Reports: Reports provide information, instructions, and rationale for Committee decisions. There are several types of reports.

(a) Hearing Reports, produced by Committee or Subcommittee staff, record the testimony, questions, and answers from hearings. They are historical records of events, and the Committee or Subcommittee does not usually vote them out. While they may contain important information, they are not authoritative.

(b) Reports that Accompany Legislative Actions may be directive, informational, and/or explanatory.³⁵ They often contain directions for Executive Branch activities, such as a requirement to conduct an investigation or prepare a report. These directions are not legally binding, but are often honored by custom and tradition. The alternative to honoring report directives is to risk having them included in law the following year, perhaps with more stringent requirements. For example, if the Defense Department does not honor a report direction for a semiannual report, it will usually find the requirement written into law the following year with a requirement to submit the report quarterly. Reports that accompany legislation often convey the sense of the majority of Committee members concerning issues and draw public attention to them. The Subcommittee and Committee vote on these reports before they are reported out to the full Senate.

(c) Reports that Accompany Nominations are similar to reports that accompany legislative actions. They provide rationales for recommendations on nominees, and, in controversial cases, may serve as a surrogate to provide views on Administration policy. There is rarely a separate vote on these reports. The report usually "accompanies" the bill or nomination that is voted out.

(d) Investigative Reports deal with specific matters, activities, or programs over which the Committee has jurisdiction. If the Committee issues them they are voted out. If the staff issues them, they may be voted out or released by the Committee Chair. Investigative Reports may also be based on the work of the General Accounting Office (GAO) or the various Department and Agency Inspectors General (IG) (e.g., directing the DoD IG to conduct an investigation and provide the results to the SASC). Occasionally, authorization bills require the Department of Defense Cost Analysis Improvement Group (CAIG) to analyze particular programs and report the results to the SASC. (See Volume IV, Chapter 4.)

(e) Conference Reports describe the reconciliation agreements made by conference committees concerning specific legislation. Conference reports contain requests and directives that, while not law, are customarily honored. They are prepared by either the House or the Senate, usually on a rotating basis, and they accompany the reconciled legislation to each chamber.

³⁵ Not all committees are alike in terms of the information that is placed in reports. According to interviews, the Senate Foreign Relations Committee does not often include directions in its reports, while the SASC does. (See also Chapter 9 in this volume on the Senate Committee on Foreign Relations.)

B. Strategy Development:

		<div> Strategy Development Policy, Guidance, and Regulations Planning Mission Execution Observation, Orientation, and Oversight Preparation Resourcing </div>						
Products	Hearing Reports	✓	✓			✓	✓	✓
	Bill/Resolution Report	✓			✓	✓		✓
	Nomination Reports	✓				✓		✓
	Cmtee/Staff Reports	✓				✓		✓
	Conference Report	✓				✓		✓
	Subpeonas					✓		✓
	Cmtee Amendments	✓				✓		✓
Roles	Advice & Consent	✓	✓	✓	✓	✓	✓	✓

(1) Major Activities: Although the SASC does not participate directly in internal Administration processes that develop national security strategy, hearings, reports, and studies can influence the Administration's strategic options. The Committee and its Subcommittees can influence strategy development in a number of ways.

Formally, by holding hearings the Committee can spotlight important strategic issues. Through the hearing process and subsequent reports (described in paragraph 5.A.), the Committee can influence the Administration's choice of strategic options by identifying those it supports and those it considers unacceptable. It can also issue Committee and staff reports that spotlight issues and help focus public attention on strategic options and policies. This may push a strategy debate into the public eye, or it can influence a debate in favor of (or against) a specific proposal.

By constructing authorization bills and bills that regulate various aspects of national defense (such as the organization or structure of agencies and Departments, the legal authorities of the agencies, and the individuals allowed to hold high office via the confirmation process), the Committee can affect the Administration's strategic options and its resources to carry them out. By using the "power of the purse," the SASC can influence strategy development by the amount of funding it authorizes for various Executive Branch departments, agencies, organizations, programs, or activities. According to Committee Staff, the most effective way to influence Administration behavior and shape its actions is by placing restrictions on funding.³⁶ Through conferences to reconcile differences in House and Senate versions of authorization bills, Senators can influence House members to accept their views.

The Constitutional responsibility for "advise and consent" grants the Committee significant influence over various policy and personnel issues via hearings and consideration of nominations. The ability to question, delay, or deny a President confirmation of a specific

³⁶ Interview with SASC staff.

individual for high office—or to extract promises from the nominee or Administration in return for a favorable recommendation—is a significant lever. During these hearings, Senators may be able to extract promises from nominees that affect strategy and policy matters. Although these promises may not be legally binding, they may serve as a "hook" for future debate. Second, the SASC may conduct hearings on treaties, even if those treaties are more properly the province of the Committee on Foreign Relations. The SASC's views on a treaty's impact on national security will strongly determine if the Senate approves it. Since at least 1970, no treaty that the SASC has opposed or about which it had strong reservations has either passed or passed without revisions. In this way, the Committee can shape Strategy Development by indicating the limits of acceptability.

In addition to these measures, if the Committee Chair is powerful and well respected in the Senate, the Administration may discard some strategic options that the Chair opposes if they are seen as politically risky in terms of Senate approval. This is not to suggest that Administrations are unwilling to challenge Committee Chairs on matters the Administration believes are important. The evidence suggests the opposite to be the case. However, during strategy development, Administration officials are likely to take into consideration the prevailing sentiment on the Hill as reflected in a powerful Chair's pronouncements.³⁷ This is especially true, given the Committee's authorizing power, which can influence structure and operating procedures or place limits on how funds can be expended for strategy implementation. (See also paragraph 5.H. below.)

(2) Major Stakeholders: The Executive Branch (especially the Defense Department and related activities), various political constituents, and special interest groups (such as political action groups representing the interests of a country or region) depending on the issue.

(3) Key Organizational Processes: Committee and Subcommittee level hearings and reports as described in paragraph 5.A.

(4) Associated Higher-Level Processes: Authorization and Appropriations laws.

(5) Associated Lower-Level Processes: Preparation of the National Security Strategy and other major strategy documents by the Executive Branch.

C. Policy, Guidance, and Regulation:

(1) Major Activities: The Committee influences Policy, Guidance and Regulation through reports and legislation.³⁸ By reporting out of Committee and achieving a majority vote on the floor of the Senate, bills and accompanying reports make policy and craft regulations. For example, the Goldwater-Nichols Act significantly changed Defense Department policy on a number of issues. See paragraph 5.A. for a description of Committee and Subcommittee processes.

³⁷ For example, according to a former Senator, when Senator Nunn chaired the Senate Armed Services Committee, his reputation and ability to influence other senators on defense matters was such that Administration officials considered how he would react to policy and strategy matters during formulation.

³⁸ Committee staff would define most of what is discussed under the strategy and planning sections as policy.

(2) Major Stakeholders: The Executive Branch and various political constituencies.

(3) Key Organizational Processes: Committee and Subcommittee level hearings and report preparation as described in paragraph 5.A.

(4) Associated Higher-Level Processes: Authorization bill preparation.

(5) Associated Lower-Level Processes: Administration-proposed legislation.

D. Planning: The SASC has no direct involvement in national security planning. However, it has the ability to influence virtually any national security planning matter. This often occurs through the advice and consent process, when a specific Senator seeks to support or oppose a plan, or as the result of informal alliances between individual senior Executive Branch officials and Senators. The public debate on various plans that can occur in hearings or debates, especially those covered by the Constitutional "speech and debate" clause can be used to influence Planning functions.

E. Mission Execution: The Committee on Armed Services has no direct involvement in mission execution. However, it can exert influence on how the Administration manages ongoing missions through hearings, introduction of legislation that supports or impedes operations, and funding restrictions. Knowing that the Committee may take up (and perhaps limit through authorization language) important Administration actions during an ongoing mission can act as a brake on Administration options. In the extreme, it is conceivable that the Committee could refuse to authorize appropriations for an ongoing operation, although it has traditionally supported fielded forces, even when it disagrees with the policy that fielded them (see paragraph 5.H. below).

F. Observation, Orientation, and Oversight:

(1) Major Activities: The Committee fulfills its oversight responsibilities by conducting hearings, conducting investigations (or causing them to be conducted), and preparing reports. See paragraphs 5.A. and 5.C. See also the discussion of authorization procedures in paragraph 5.H.

As noted in paragraph 4.E., the Committee and its Subcommittees have oversight of:

(a) Army, Navy, Air Force, and Marine Corps procurement and RDT&E accounts;

(b) Technology base RDT&E accounts;

(c) Information Warfare RDT&E accounts;

(d) RDT&E and procurement accounts that support special operations, counterdrug operations, low intensity conflict, and peacekeeping operations;

(e) RDT&E for counterterrorism, chemical and biological warfare;

- (f)** Nunn-Lugar Cooperative Threat Reduction funding;
- (g)** DoE nonproliferation programs;
- (h)** Military personnel accounts (including military retirement, Defense health care, and O&M related to personnel and health care);
- (i)** DoD Under and Assistant Secretaries and DoE's Assistant Secretary for Military Programs, Assistant Secretary for Environmental Management, and Assistant to the Secretary of Defense for Atomic energy;
- (j)** Operations and Maintenance accounts;
- (k)** BRAC accounts;
- (l)** Readiness accounts (including conventional ammunition procurement, military construction, and family housing);
- (m)** RDT&E support programs;
- (n)** Working capital funds;
- (o)** National Defense Stockpile Fund;
- (p)** Nuclear forces;
- (q)** Defense space systems procurement and RDT&E;
- (r)** Intelligence activities and programs (including TIARA and JMIP); and
- (s)** The following agencies, organizations, and activities:
 - (i)** Defense Advanced Research Projects Agency;
 - (ii)** Defense Threat Reduction Agency;
 - (iii)** Defense Security Cooperation Agency;
 - (iv)** The U.S. Special Operations Command, the U.S. Transportation Command, The U.S. Strategic Command, and the U.S. Space Command;
 - (v)** Defense Commissary Agency;
 - (vi)** The Army and Air Force Exchange System;
 - (vii)** The Navy Exchange;
 - (viii)** The Marine Corps Exchange;

- (ix) The Uniformed Services University of Health Services;
- (x) The Armed Forces Retirement Home;
- (xi) The Defense Logistics Agency;
- (xii) The Defense Finance and Accounting Service;
- (xiii) The Defense Investigative Service;
- (xiv) The Defense Contract Audit Agency;
- (xv) The Department of Defense Inspector General;
- (xvi) The Defense Nuclear Facilities Safety Board;
- (xvii) The National Security Agency;
- (xviii) The Defense Intelligence Agency;
- (xix) The Ballistic Missile Defense Office;
- (xx) The National Reconnaissance Office; and
- (xxi) The National Imagery and Mapping Office.

The Committee's oversight authority also extends to nominations for senior Defense Department officials.³⁹ In dealing with these responsibilities for vetting the nominations of senior officials, the Committee customarily holds hearings and prepares reports that present the views of the Committee Chair and a majority of Committee members. If the Committee recommends that a nomination be considered, the full Senate usually accepts that recommendation. Similarly, if the Committee recommends that a nomination be rejected, the full Senate often concurs.

(2) Major Stakeholders: Executive Office of the President; Department of Defense; Presidential nominees; various political constituents.

(3) Key Organizational Processes: Committee and Subcommittee level hearings as described in paragraph 5.A.

(4) Associated Higher-Level Processes: Confirmation of nominations, authorization and appropriations.

(5) Associated Lower-Level Processes: Administration processes for preparing nominations.

³⁹ Such as the Secretary of Defense, the Deputy Secretary, the Under Secretaries, the Assistant Secretaries and all promotions of commissioned officers, although it does not usually hold hearings on the promotions of non general officers.

G. Preparation: The SASC has no direct involvement in national security preparation, although provisions of authorization language may affect the way in which Executive Branch entities prepare. For example, an authorizing bill may direct that certain training be provided to military officers or assign roles to a Service that requires specialized preparation.

H. Resourcing:

(1) Major Activities: All of the Committee's products have resource implications. The Committee produces the Defense Department authorization bill and some authorizing legislation for the Department of Energy and the intelligence community. Authorizing legislation constitutes the legal basis for Department and Agency operations, structures Departments and Agencies, prescribes responsibilities, and authorizes Appropriations Committees to fund programs, such as weapons procurement. In essence, it tells Departments and Agencies what they can commit funds to, and it tells appropriations subcommittees how much funding to allow.

Theoretically, Appropriations Committees cannot appropriate funds without authorizing legislation, nor can they appropriate funds in excess of the amounts authorized when amounts are specified. Also, if the Authorizing Committee places restrictions on the use of funds, Appropriating Committees usually honor it. Conversely, appropriations measures are not to contain authorization—or legislative—language. In practice, however, the distinctions are blurred. Appropriators routinely include legislative provisions in appropriations bills, sometimes with the approval of authorizers and sometimes without it. During interviews, staff members noted that this can be a point of tension between the Committees, especially if the Appropriators include language that countermands authorizing language.

In addition to authorizing the expenditure of funds, the SASC can organize and structure organizations, and authorization bills often contain directives or proscriptions with respect to responsibilities and actions. They also can establish operational processes and procedures; specify personnel policies; and direct the Department or Agency to conduct studies and provide reports, *inter alia*.⁴⁰ And they can require interaction with other Departments and Agencies.

In terms of resourcing, authorizing legislation usually provides an indication of funding levels, either specifically or in general. Authorization bills are "ceilings," appropriations bills are "floors." An authorization act may make a specific amount of money available and restrict its use to certain activities. For example, "for fiscal year 1998, the amount of \$331,000,000 is available for long-lead activities related to the procurement of additional B-2 bomber aircraft."⁴¹ In these cases, the Appropriations Committees may not appropriate more than that amount, although it may appropriate less. Or, Authorizing legislation may be general: "Notwithstanding section 3302, of Title 31, United States Code, the Secretary may retain the proceeds from the sale, lease, or disposal of an asset. . . [and] utilize amounts retained under this paragraph to defray the cost of the sale, lease, or disposal."⁴² Authorizing language may be restrictive: "The

⁴⁰ How effective report requirements are is a matter of conjecture. Unless there are specific provisions, Executive Branch organizations may respond in the briefest possible manner.

⁴¹ National Defense Authorization Act for Fiscal Year 1998, Section 131.

⁴² National Defense Authorization Act for Fiscal Year 1998, Section 3138.

Secretary of Defense may not obligate or expend funds during this fiscal year to provide support under this section to a government described in subsection (g)."⁴³

Finally, authorization bills (and more frequently accompanying reports) contain "earmarks." Earmarking is a technique by which funds are authorized for a particular program or activity, reflecting a Senator's interest in that program and his/her ability to generate support for it among colleagues. (See Chapter 7 in this volume.)

Generally, authorizations do not extend beyond a few fiscal years, and often are made for only a year (although some authorizations are permanent and continue until modified by new authorizing legislation). Limiting the length of authorizations allows the SASC an opportunity to review Department and Agency performance frequently. As one observer noted, "temporary authorizations are a short leash Congress can pull to compel changes in an agency's policies or actions."⁴⁴ Yet, despite formidable rules, appropriations do occur even when there is no current authorization—and sometimes in spite of authorizing language. The Department of State, for which the last authorizing bill was passed in 1993, serves as an example. Appropriating in the absence of authorizations is not unconstitutional *per se*.

Because both chambers must pass identical bills before sending them to the President for signature, House-Senate Conferences occur routinely. When the SASC reports out an authorization bill that is then passed by the Senate, the Senate leadership, in consultation with the Chair and Ranking Member of the Committee, appoint Senators to meet with Members of the House Committee of Armed Services to reconcile differences in the House and Senate versions.

These conferences typically require several meetings, which may or may not be held on sequential dates. In other words, a conference might begin in July and not conclude its business until September, although it does not meet each day during that period, and often may not meet formally for weeks. Usually, most compromises are brokered by staff during informal sessions, and presented to Senators and their House counterparts for approval. When one side agrees to accept the language proposed by the other, it is said to have receded to the point. While receding is common and occurs as a result of compromises, sometimes conferees craft language that is different from what either chambers' bill contained at the outset of the conference. Normally, the Conference does not consider matters or language that are "out of scope" although exceptions are possible depending on the circumstances, the issues, and the politics of the issue.

Once the conference resolves differences, a common version of the bill (together with a conference report that describes the compromises made during conference) is provided to the respective chambers for deliberation and approval. Once both houses pass the measure, it is sent to the White House for the President's signature to become public law or it is vetoed. A vetoed bill is returned to the House of Representatives or the Senate, whichever is the house of origin, and may be overridden by two-thirds of the body. If the first house overrides a veto, the second house considers it. If both houses override the President's veto, it becomes law without his signature. A bill may also become law if the President fails to act on it and does not return it to Congress within 10 days, but this is a rare occurrence.

⁴³ National Defense Authorization Act for Fiscal Year 1998, Section 1033.

⁴⁴ Schick, p. 117.

In recent years, the Appropriations Committee has waited for authorizing legislation before preparing and considering appropriations. This process is often nearly independent of the authorizing deliberations.⁴⁵ (See Chapter 7 in this volume.)

(2) Major Stakeholders: Executive Office of the President; Department of Defense and related activities and agencies; special interest groups; "think tanks" and various political constituents.

(3) Key Organizational Processes: Committee and Subcommittee-level hearings and reports; staff investigations as described in paragraph 5.A.

(4) Associated Higher-Level Processes: Appropriations.

(5) Associated Lower-Level Processes: Administration processes for preparing budget requests and proposing legislation.

6. Informal National Security Process Involvement. There are no informal processes that are so fixed that they apply across a large number of events. Most informal processes are focused on information gathering and issue resolution and are different depending on the situation. Some general informal processes are described in the following subparagraphs.

A. Contacts with Administration Officials: In addition to formal hearings, written testimony, and written responses to questions, informal contacts with Administration officials occur throughout the process. Both Senators and staff members hold informal discussions, and part of the purpose of these contacts is to determine true needs and to separate them from nice-to-have programs. These contacts go well beyond the formal legislative affairs offices, and provide Senators and staff with ranges of options and with the basis for trade-offs during formal negotiations. These contacts include visits to bases and foreign travel. While important for both chambers, in the case of the Senate informal contacts help determine the best options and permit Senators to gauge the effect of their actions or proposals without recourse to more formal mechanisms such as hearings and subpoenas. Additionally, informal contacts with Administration officials provide an opportunity for Senators to influence Administration choices and behavior with respect to policy and budget matters.

Informal contacts with administration officials give those officials the opportunity to voice opinions that are contrary to the President's policies and priorities. No Administration is a monolithic organization, and senior officials will often disagree with official positions. It is risky for them to volunteer information during hearings, and they cannot testify to their views because the Office of Management and Budget screens testimonies and is unlikely to allow dissenting opinion. (See section Volume II, Chapter 3, on the Office of Management and Budget.) However, through informal discussions, Senators are able to hear these views and include them in their decision making calculations. On occasion, informal exchanges lead to questions during formal hearings which Administration witnesses are then bound to answer truthfully. Finally the SASC requires the "professional views" from senior military witnesses even if they differ from the Administration in power.

⁴⁵ The authorizing-appropriating formula is not enshrined in the Constitution but originated in the mid-1860s. Before that time, single committees both authorized and appropriated, usually in one piece of legislation. Because the system is a creation of Congress, Congress could change it if it so desired, and it sometimes chooses to ignore it altogether.

B. Contacts with Other Senators: If a Senator is a member of the Committee on Armed Services, getting his/her priorities considered and into a bill for which the Committee has jurisdiction is not difficult. Generally, the Subcommittees honor requests by their members and those of other Committee members. For Senators who do not serve on the Committee, the task is more daunting. Each year the number of requests exceeds capacity, which requires Senators on the Subcommittees to make choices among competing requests from their colleagues. As a result, "trades" between members commonly occur. Recently, there has been a trend toward ensuring that every member receives at least some of what he/she requests in order to ensure support for bills on the floor and to build alliances for other matters. Attempts to do this are marked by personal negotiations between Senators and between their staff representatives.

C. Contacts in Conjunction with House-Senate Conferences: When conferences occur, there is a large amount of informal deal making and trading between members of both chambers, either directly or through their staffs. It is not uncommon for Senate and House personal and professional staff members to meet on behalf of their principals. This simplifies the agendas for conferences, resolves questions of fact, and leaves Senators and Representatives free to discuss significant issues that defy resolution at staff level. The magnitude of these compromises is not trivial. Reports that accompany authorization acts, for example, typically include thousands of items in which the language of the Senate and House versions differed. Most of these are worked out through staff negotiations which members subsequently endorse.

D. Influencing the Public: Senators routinely use press releases, speeches, interviews, floor debates, and other means to influence public opinion either in support of or opposition to high-priority issues. Enlisting public opinion helps Senators achieve their legislative agendas and often raises the quality and scope of debates on important issues.

E. Jurisdictional Matters: The SASC and the Senate Committee on Foreign Relations have similar jurisdictions for some matters. This inevitably leads to jurisdictional disputes that usually involve staff, but can escalate to include Senators if the issue involves treaties on arms control or the military aspects of foreign policy. Attempts at resolving these disputes are usually through informal staff meetings and conferences. Indirectly, these can affect national security because they are often time-consuming distractions, and occasionally they result in conflicting instructions in the Committees' respective Authorization bills.

7. Funding and Personnel.

A. Funding Sources: The SASC is funded through the Legislative Branch appropriations as authorized by the Committee on Roles and Administration.

B. Budget: The budget for FY2000 is \$3,796,030.⁴⁶

C. Manpower: The 106th Congress had 19 Senators (11 Republicans and 9 Democrats) and 30 Staff Members on the SASC.

⁴⁶ S.Res 189, Section 3..

8. Observations.

A. Organizational and Process Forms: The processes and organization used by the Senate and its Committees are a creation of the Senate. Although often slower than some believe it should be, and while the Senate sometimes suspends its own rules, the system works as effectively at the Majority desires, at least in terms of screening legislative proposals and announcing the views of Committee Chairs. Occasionally, the system leads to comprehensive and rich debates on matters of extreme importance to national security, although it can also lead to posturing. When legislation is delayed, it is most often because of political or policy considerations or differences, not because of the way the Senate is organized or the processes it chooses to prosecute its business.

B. Authorizations and Confirmations: One former member of the Senate remarked during an interview that the Senate as a whole spends too much time on program funding and not enough time deliberating policy and strategy. An examination of authorization acts seems to confirm this assessment, as does an examination of authorization bills. However, the SASC also devotes considerable attention to reviewing and evaluating Administration policy and strategy during both formulation and implementation stages. The Committee does this through authorization hearings and reports, hearings and reports on special issues, and hearings and reports to confirm Administration nominees. Hearings and reports are powerful tools as well as Committee products, and often involve spirited debate over national security issues. These debates, in turn, inform the electorate.

Authorization legislation and accompanying reports deal not only with resourcing issues, but also with other matters. Authorization bills can determine the structure of those organizations involved with national security, shape policy and strategy, prescribe (or proscribe) certain actions and activities. Committee recommendations and accompanying reports influence the appointment of senior officials and the ratification of treaties. During confirmation hearings, nominees' views and likely agendas are investigated. Senators will often try to shape nominees' views and/or lay down markers as to what they will not accept in terms of policy and behaviors.

C. The Power of the Chair: Under Senate rules, Committee and sometimes Subcommittee Chairs have tremendous authority over matters under their jurisdiction. By determining which proposals will be reported out to the floor, by sanctioning authoritative reports to accompany these proposals, and by managing floor debate, the Chairs often determine which proposals will become the law of the land. The most powerful Chairs are those who are subject matter experts and are respected by other Senators for their knowledge and judgement. Seniority remains a significant element in the power of the Chair. At a time when some have suggested that Senators are becoming more specialized, many Senators rely on consultations with respected peers to determine how they will vote on issues.⁴⁷ Personal relationships, institutional prerogatives, state interests, and party politics are often important elements in this process.

D. Executive Branch Consultations: Those interviewed noted that the Executive Branch does not consult with Congress on important national security matters. This lack of consultation is blamed for a number of Administration failures, most recently the

⁴⁷ Interviews. Because issues are becoming more complex and more information is available about them, Senators often tend to focus more on specific areas.

Comprehensive Test Ban Treaty. Both current staff and former Members agreed, while the Administration sometimes informs Congress, real consultation is rare. The trend of "informing" versus "consulting" with Congress is not unique to the current Administration.

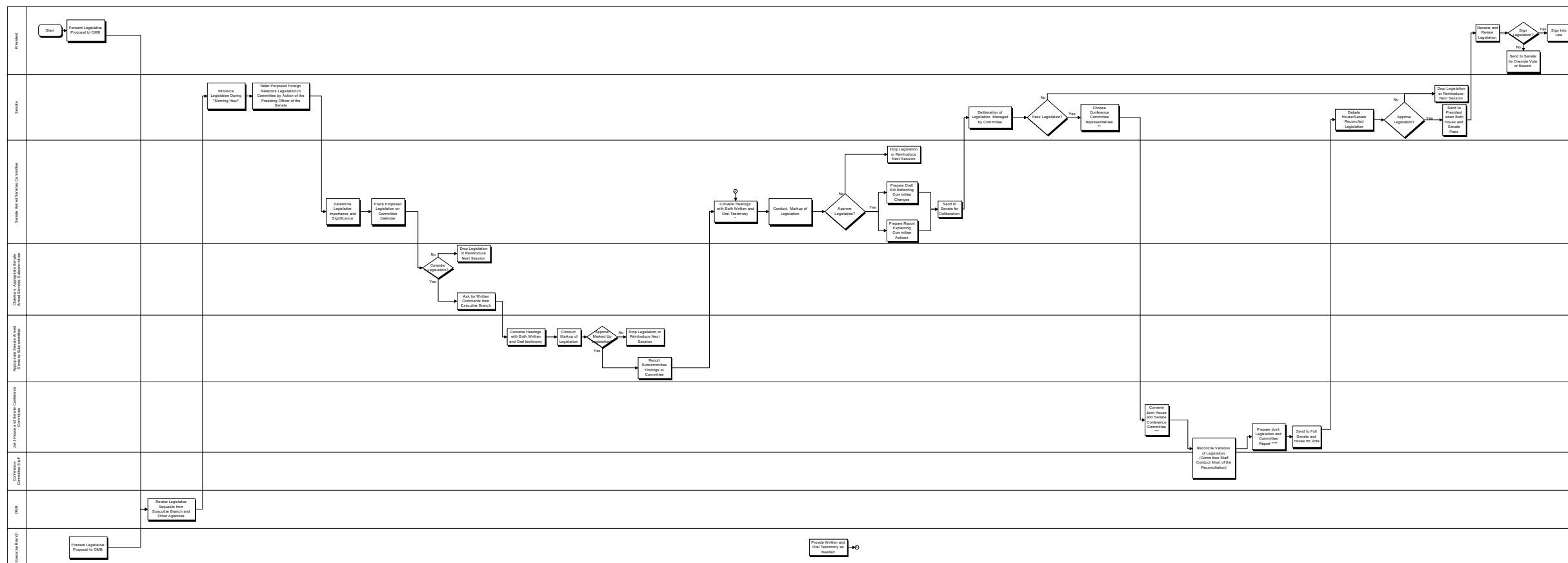
E. Jurisdictional Issues: Although most committees have lists of their jurisdictions, actual division of responsibilities is not clear-cut. There are overlapping issues that often involve intense discussions and often are unresolved. In the case of the Senate Armed Services Committee there have been a number of jurisdictional disputes with the Committee on Foreign Relations, over policy issues. These disputes are often heated and usually time consuming. However, jurisdictional disputes are indicative of the complexity of current national security challenges, and should not be misconstrued as mere bickering.

E. Inter Branch Tensions: As one expert pointed out, Senators often have a much broader view of the political situation than do Executive Branch Departments and Agencies, although they frequently lack the depth that Department experts possess.⁴⁸ This wider perspective is the product of the fact that Senators are more attuned to the political realities upon which their positions depend. Senators who serve on Committees such as the Foreign Relations Committee and the Committee on Armed Services are aware not only of national security matters, but of the domestic politics that directly or indirectly affect national security decision making. Administration officials focus more narrowly on those matters that have an impact on their organizations, and, because of the press of requirements, often do not consider political issues as closely. Beyond political issues, the longevity and the scope of responsibility of Senators are usually far greater than the individual Executive Branch officials responsible for any given area.

⁴⁸ Telephone interview, December 6, 1999.

APPENDICES

Senate Armed Services Committee - Key Process - (Formal) - Policy, Guidance, Regulation - Legislative Process



**** The Conference Committee Staff of both the House and Senate alternate preparing joint legislation and committee report.

ORGANIZATIONAL DESCRIPTION

SENATE COMMITTEE ON FOREIGN RELATIONS



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

Senate Committee on Foreign Relations

Overview

The Senate Committee on Foreign Relations is an authorizing Committee, which considers virtually all legislation on diplomacy and foreign affairs. Its jurisdiction includes:

- Elements of the activities of the Departments of State, Treasury, and Commerce;
- The diplomatic service (Foreign Service);
- Boundaries and borders;
- Foreign loans and economic, military, technical, and humanitarian assistance;
- Interventions and declarations of war;
- Measures to foster international trade;
- Treaties and executive agreements;
- U.S. participation in a number of international organizations; and
- Confirmation of ambassadors and other senior diplomatic personnel, *inter alia*.

As an authorizing Committee, the Senate Committee on Foreign Relations has influence over the organization and structure, roles and responsibilities, and the amount of funding for activities that come within its scope of authority. It conducts hearings and provides bills, resolutions and reports on matters within its jurisdiction; conducts hearings and reports out treaties negotiated by the Administration, other executive agreements with foreign states; and, conducts hearings and reports out with recommendations on Presidential nominations of ambassadors and senior officials.

Like most Senate Committees, the Committee on Foreign Relations plays an important role in selecting which legislative proposals within its jurisdiction that the full Senate will consider. In this role, the Committee:

- Schedules consideration of legislation;
- Conducts studies and hearings;
- Marks up the proposed bills and resolutions;
- Amends and votes on them at the Subcommittee and Committee level;
- Reports them out to the full Senate;

- Manages floor debate;
- Participates in conferences with Members of the House of Representatives;
- Reports joint bills/resolutions arrived at in conference to the Senate;
- Manages enactment of joint bills/resolutions on matters within its jurisdiction; and
- Provides oversight of matters enacted into law.

Committee and Subcommittee Chairs exercise a great deal of authority throughout.

Organization

The Committee is a Class A Committee under Senate rules. In the 106th Congress, it consists of ten Republicans and eight Democrats, supported by a staff of 46. The Committee is organized into seven Subcommittees:

- Western Hemisphere, Peace Corps, Narcotics, and Terrorism;
- International Economic Policy, Export, and Trade Promotion;
- European Affairs;
- East Asian and Pacific Affairs;
- International Operations;
- African Affairs; and
- Near Eastern and South Asian Affairs.

Most Subcommittees have both geographic and functional responsibilities (i.e., responsibilities for a geographic region such as Europe and for certain activities within that region). Functional responsibilities include, trade, terrorism, crime, drug, and foreign assistance programs. (The Subcommittees on International Economic Policy, Export, and Trade Promotion and International Operations only have functional responsibilities, which parallel their titles.)

The most visible Committee and Subcommittee business is conducted through hearings on legislation, treaties, and nominations and bill mark ups by the Committee. Under current Committee practices the full Committee marks up bills and nominations, and there is no Subcommittee mark up.

Role in Formal and Informal National Security Processes

		Strategy Development	Policy, Guidance, and Regulations	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing
Products	Hearing Reports	✓	✓			✓	✓	✓
	Bill/Resolution Report	✓		✓	✓			✓
	Treaty Reports	✓			✓			✓
	Nomination Reports	✓			✓			✓
	Committee/Staff Reports	✓			✓			✓
	Conference Report	✓			✓			✓
	Subpoenas				✓			✓
	Committee Amendments	✓			✓			✓
Roles	Advice & Consent	✓	✓	✓	✓	✓	✓	✓

Strategy Development. The Committee and its Subcommittees influence Executive Branch strategy development in a number of ways. The Committee can spotlight important strategic issues by holding hearings and providing hearing reports, and by issuing special Committee and staff reports. By constructing authorization bills and bills that regulate various aspects of international relations (such as arms control or import/export bills), including funding, it can limit the Administration's strategic options.

Similarly, it can influence strategy development by the amount of funding it makes available for various Administration agencies and activities. It can influence House actions along these lines through conferences and conference reports. Through treaty and nominations hearings (as part of its advice and consent role), it can focus attention on important issues and select, delay, or turn down the president's nominations for ambassadorial and senior foreign affairs positions. Finally, when attempts are made on the Senate floor to modify bills reported out by the Committee, the Chair can introduce Committee amendments.

Policy, Guidance, and Regulation. Through debates, hearings, and hearing reports, the Committee can affect Administration policy options and regulatory measures.

Planning. The Committee has no direct role in national security planning.

Mission Execution. Through bill and resolution reports, the Committee can affect the ways in which the Executive Branch undertakes and manages missions. It can do this through authorization bills or through other legislative measures, especially those that cut off funding.

Observation, Orientation, and Oversight. As was true of Strategy Development, the Committee can make an impact in this area through hearings, debates, bills, and resolution reports; nomination and treaty reports; Committee and staff reports; Conference reports;

Committee amendments; and its advice and consent role. In Observation, Orientation, and Oversight, the Committee also has the power to subpoena witnesses.

Preparation. The Committee can influence preparation by recommending in hearing reports that certain actions to be taken.

Resourcing. All of the Committee's products can have resource implications, especially with respect to authorization bills for the Department of State and related agencies and activities and the Foreign Assistance Authorization Bill. However, the Committee has not reported out a State Department Authorization Bill since 1993. Under Senate rules, authorization bills are necessary to inform Appropriations procedures; however, appropriators occasionally act to fund programs in the absence of authorizing language.

Informal processes primarily involve contacts between Senators and staff members with Executive Branch officials, members of academia, political action groups, and constituents. Senators use informal contacts to exert influence on legislation pending in the Committee on Foreign Relations, in other Committees, and on the floor of the Senate. They also use informal personal contacts to influence conference proceedings.

Other informal processes that affect national security include "trades" between Senators and/or between Senators and Members of the House as part of negotiations. Members also issue individual press releases about issues, or the Committee may issue them. These releases focus attention on a particular issue and/or increase public awareness. Increased public awareness could lead to increased pressure on colleagues or Administration officials and thus influence their behavior. Senators also attempt to persuade (i.e., lobby) Administration officials to act in certain ways (especially those in the Department of State), and they engage in dialogues with constituents and special interests.

Observations

Given the tremendous number of legislative proposals presented each year, the Committee system works well and ensures that only the most significant are brought to the Senate floor for deliberation. Delays and failures are usually the result of political considerations, not the system *per se*.

Hearings are a powerful tool and often serve as a focal point for key national security debates. They highlight issues and generate support, and the resulting bills and resolution reports can produce significant changes. For example, Authorization bills and accompanying reports can require Executive Branch Departments to report on programs, processes, and procedures; reduce or increase authorized funding; and earmark funds for particular purposes *inter alia*.

Through the provisions of bills reported out by the Committee, it can affect Administration policy, organizational structures of the State Department and related organizations, nominations for senior foreign affairs positions, and the resourcing of some Executive Branch activities.

The Committee Chair controls Committee processes through personal interaction with other Senators and by control over members of the Committee staff. Although there are often compromises with Ranking Members from the minority party, the Chair has tremendous latitude

in scheduling legislation for consideration and calling hearings. In the Committee on Foreign Relations, Subcommittee Chairs are less powerful than those of other Senate Committees and much substantive business is conducted by the Committee as a whole.

The power and influence of Congressional Committees depends on a unique combination of five factors: Committee jurisdiction; the issue under consideration; the politics surrounding that issue; the personal position, influence, and demeanor of the Chair; and Committee norms and traditions. Depending on circumstances, any one of these factors may be predominant for a given event. For example, if the issue under consideration is one that threatens national security, then the issue will have priority over politics, jurisdiction, the Chair, and the way matters have been handled traditionally. Or, if the nation is concerned about an issue, then political considerations may be primary. This description, while general and not without exception, applies to the Committee on Foreign Relations.

Those interviewed noted that the Executive Branch does not consult with Congress on important national security matters. This lack of consultation is blamed for a number of Administration failures, most recently the Comprehensive Test Ban Treaty. Both current staff and former Members agreed, while the Administration sometimes informs Congress, true consultation is rare. The trend of "informing" rather than "consulting" with Congress is not unique to the current Administration.

Staff of both the Committee on Foreign Relations and the Senate Committee on Armed Services indicated in interviews that jurisdictional lines are blurred. Both Committees claim responsibility for some areas and this overlap can lead to tensions that are not always healthy. However, in a larger sense, jurisdictional spats are indicative of the complexity of current national security problems and issues.

ORGANIZATIONAL DESCRIPTION

SENATE COMMITTEE ON FOREIGN RELATIONS

1. Legal Specifications and Authorizations.

Authorization: Committees are creations of Congress. There is no requirement for Committees in the U.S. Constitution or in the U.S. Code. Instead, they are created by Congress to enable it to carry out its constitutional responsibilities.

Senate Rule XXV applies to the establishment of Committees and Subcommittees.

2. Missions/Functions/Purposes.

A. Major Responsibilities: The Committee on Foreign Relations, an Authorizing Committee, has jurisdiction over the following matters:¹

(1) Acquiring land and buildings for embassies and legations [Key Processes Relation: Observation, Orientation, and Oversight; Resourcing];

(2) U. S. Boundaries [Key Processes Relation: Observation, Orientation, and Oversight];

(3) The U.S. diplomatic activities [Key Processes Relation: Strategy Development; Observation, Orientation, and Oversight];

(4) Foreign economic, military, technical, and humanitarian assistance [Key Processes Relation: Strategy Development; Observation, Orientation and Oversight; Resourcing];

(5) Foreign loans [Key Processes Relation: Observation, Orientation, and Oversight; Resourcing];

(6) International activities of the American National Red Cross and the International Committee of the Red Cross [Key Processes Relation: Observation, Orientation, and Oversight];

(7) International aspects of nuclear energy, including nuclear transfer policies [Key Processes Relation: Policy, Guidance, and Regulation; Observation, Orientation, and Oversight];

(8) International conferences and congresses [Key Processes Relation: Observation, Orientation, and Oversight];

(9) International law as it relates to foreign policy [Key Processes Relation: Observation, Orientation, and Oversight];

¹ Senate Rule XXV.1(j) and Rule 1 of the Rules of The Senate Committee on Foreign Relations. (adopted January 30, 1997).

(10) The International Monetary Fund and other international monetary organizations [Key Processes Relation: Observation, Orientation, and Oversight; Resourcing];

(11) Military interventions and declarations of war [Key Processes Relation: Strategy Development; Mission Execution; Observation, Orientation, and Oversight];

(12) Commercial intercourse with foreign nations and safeguarding American business interests abroad [Key Processes Relation: Observation, Orientation, and Oversight];

(13) Security and international aspects of U.S. trusteeships [Key Processes Relation: Policy, Guidance, and Regulation; Observation, Orientation, and Oversight];

(14) Ocean and international environmental and scientific affairs as they relate to foreign policy [Key Processes Relation: Observation, Orientation, and Oversight];

(15) Protection of United States citizens abroad and expatriation [Key Processes Relation: Policy, Guidance, and Regulation; Observation, orientation, and Oversight];

(16) U.S. foreign relations [Key Processes Relation: Policy, Guidance, and Regulation; Observation, Orientation, and Oversight];

(17) Treaties and executive agreements (except reciprocal trade agreements) [Key Processes Relation: Strategy Development; Observation, Orientation, and Oversight];

(18) The United Nations and affiliated organizations [Key Processes Relation: Observation, Orientation, and Oversight; Resourcing];

(19) The World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes [Key Processes Relation: Observation, Orientation and Oversight];

(20) Comprehensive studies and reviews relating to national security policy, foreign policy, international economic policy as it relates to U.S. foreign policy and matters relating to food, hunger, and nutrition in foreign countries [Key Processes Relation: Observation, Orientation, and Oversight];

(21) Reviews and studies of the application, administration, and execution of those laws or parts of laws within the jurisdiction of the Committee² [Key Processes Relation: Observation, Orientation, and Oversight]; and

(22) Assisting the Senate in constitutional advice and consent functions for treaties and nominations to executive branch positions in foreign policy and diplomacy [Key Processes Relation: Observation, Orientation, and Oversight].

B. Subordinate Committees.³ The Committee on Foreign Relations is organized into seven Subcommittees on: Western Hemisphere, Peace Corps, Narcotics, and Terrorism;

² Senate Rule XXVI.8.

³ www.senate.gov/foreign/subcom.htm.

International Economic Policy, Export, and Trade Promotion; European Affairs; East Asia and Pacific Affairs; International Operations; African Affairs; and Near Eastern and South Asian Affairs. Except for the Subcommittee on International Economic Policy, Export, and Trade Promotion and the Subcommittee on International Operations, the Subcommittees have both regional (e.g., area or specific country) and functional (trade, terrorism, illegal drug) jurisdictions. Succinctly, a Subcommittee has jurisdiction over matters affecting countries or regions and over trade, terrorism, and international law issues that impact the U.S. and the countries in the region. (See paragraph 4.E. for Subcommittee membership and jurisdiction.)

C. Major Products: The Committee on Foreign Relations produces hearing reports, bill and resolution reports, treaty reports, nomination reports, Committee and staff investigative reports, conference reports, and Committee amendments for legislation under consideration on the floor of the Senate. It also conducts advice and consent proceedings for Presidential foreign affairs appointments requiring Senate approval, including Department of State officials and ambassadors. It conducts similar proceedings for treaties and international agreements. It has the power to issue subpoenas.

3. Vision and Core Competencies.

A. Vision: There is no published vision statement. Committee operations reflect the views and priorities of the Committee and Subcommittee Chairs.

B. Core Competencies: Core competencies include U.S. foreign relations, operations of the Department of State, and the operations of related agencies and activities, including aspects of arms control and humanitarian assistance.

4. Organizational Culture.

A. Values: There are no published values.

B. Leadership Traditions: Committee and Subcommittee Chairs, selected in accordance with party rules, have a great deal of power in terms of establishing operating procedures and deciding which pieces of legislation will be reported out of Committee for action on the Senate floor. In selecting Committee and Subcommittee Chairs, how well a Senator's colleagues think he/she will represent their individual and aggregate interests, party positions, and seniority are significant factors.

C. Staff Attributes: The Committee staff comes from a variety of backgrounds and includes attorneys, academics, and those who have firsthand experience with foreign relations. Successful staffers have both functional and procedural expertise. In providing support to the Committee, staffers ensure that Senators receive credit for all successes and are shielded from blame on those occasions when things go awry. Sometimes the tradition of supporting Senators' inclinations requires staff to produce assessments that are not especially objective.

Staff members are usually responsible for several areas, and their expertise in these areas is almost always greater than that of individual Senators, because Senators are concerned with a

broader range of issues.⁴ Thus, while staffers may maintain a discreet role, Senators' decisions are often based on staff information and guidance.

There are majority and minority staffs, and the majority staff is usually larger. For the 106th Congress, the majority staff is about twice as large as the minority staff. Each staff member owes his position to the Committee Chair or Ranking Member who approve all staff appointments. When the Chair or Ranking Member change, their successors are likely to bring in at least a few new staff members. If the balance in the chamber as a whole changes, the staff turnover will be greater because the new majority party will appoint additional staff members over and above those they already have, and the new minority party will release staff to bring their total staff into line with the rules.

In the 106th Congress, the Committee professional staff consists of 31 majority staff and 15 minority staff, exclusive of interns. The staff may include personnel from the Executive Branch on reimbursable or nonreimbursable detail.⁵ This practice enables the Committee to draw on the experience of practitioners from Executive Branch Departments and Agencies with firsthand knowledge of areas over which the Committee has jurisdiction. There are strict rules concerning the use of borrowed personnel, including prohibitions on their use for purely political and campaign duties.

Although in some Committees the staff is assigned to Subcommittees, in the Committee on Foreign Relations all staff works for the Committee. Subcommittee Chairs and Ranking Members who require staff assistance receive it on an issue-by-issue basis as if it were borrowed manpower. Because they have no full time professional staff, Subcommittee members rely more on their personal staffs.

D. Strategy: The Committee and Subcommittee strategies reflect the strategies of the Chairs and the political parties. There is no published strategy document.

E. Organization: Senate standing Committees are broken down into three categories: Class A Committees, Class B Committees, and Class C Committees. The Senate Foreign Relations Committee is a Class A Committee. A Senator may not serve on more than two Class A Committees and one Class B Committee.⁶ A Senator may normally be the Chair or Ranking Minority Member of one Class A Subcommittee or one Class A Committee plus one Class A Subcommittee.

Committee membership is determined by rules adopted by each political party, and members are selected during party caucuses based on leadership recommendations. As one source points out, "the committee appointment process offers a means of promoting party discipline through the granting or withholding of desired assignments."⁷ The Secretaries of the Majority and Minority assemble requests from Senators for Committee assignments. These

⁴ Typically, in addition to managing issues of interest to their constituents, Senators will serve on two Committees.

⁵ Senate Resolution 189, Section 10, authorizes the committee to use detailed personnel from the Executive Branch if their parent agencies or departments concur. The terms reimbursable and non-reimbursable refer to whether the Committee is expected to compensate Executive Branch organizations for use of their personnel.

⁶ Marlowe, Howard. How Congress Works: A Handbook on Congressional organization and the Legislative Process. www.netlobby.com. (Hereafter Marlowe.)

⁷ Learning About the Senate. "Senate Briefings: Committees." (http://www.senate.gov/learning/brief_11.html).

requests are passed to a staffing committee (whose members are selected by the Secretary), and this committee makes recommendations to the party leadership. Generally, minority party membership on Committees mirrors their total membership in the Senate, and this custom is followed in Subcommittee appointments.⁸ In the 106th Congress the Committee consists of ten Republicans and eight Democrats.

The Committee Chair, in consultation with the majority party Committee members, selects Subcommittee Chairs. A similar practice is followed by the Minority in selecting Ranking Members. In the Committee on Foreign Relations, the Chair predominates, thus most substantive business is conducted at the full Committee level. Subcommittees hold hearings on matters within their jurisdiction, but do not mark up bills or legislation, and participate in drafting legislation only as members of the full Committee. As one staff member noted, the Subcommittees are informational fora that allow Senators to become well-versed in geographic and functional matters. They provide an opportunity for Senators to acquire concepts and ideas that they may then bring to the Chair or Ranking Member for consideration by the full Committee.⁹

As noted in the following paragraphs, the Committee has a broad jurisdictional range. As has been true in the past, the scope of its interests sometimes leads to jurisdictional disputes with other Senate Committees. This is in part the result of Senate rules that have evolved since the end of World War II. Compared to the complex nature of current national security problems, those that confronted Congress during the Cold War were less complicated. Jurisdictional squabbles are symptomatic of this new complexity and are likely to become more frequent and perhaps more intense.

SENATE COMMITTEE ON FOREIGN RELATIONS

Republicans (10)	Democrats (8)
Jesse Helms (NC) – Chair Richard G. Lugar (IN) Paul Coverdell (GA) Chuck Hagel (NE) Gordon H. Smith (OR) Rod Grams (MN) Sam Brownback (KS) Craig Thomas (WY) John Ashcroft (MO) Bill Frist (TN)	Joseph R. Biden (DE) – Ranking Member Paul S. Sarbanes (MD) Christopher J. Dodd (CT) John F. Kerry (MA) Russell D. Feingold (WI) Paul David Wellstone (MN) Barbara Boxer (CA) Robert G. Torricelli (NJ)

Senate rules prevent Committee members from also serving on the Senate Armed Services Committee and/or the Senate Appropriations Committee.

The Committee is organized into Subcommittees as described in paragraph 2, above. Although Subcommittees do not mark up legislation, they do hold informational hearings. The Chair and Ranking Member are members of specific Subcommittees and are *ex officio* members of the others.¹⁰ (The current Chair, Senator Helms, is a member of the Subcommittees on

⁸ Marlowe, p. 1, Zone Two—Committee Action.

⁹ Interview with Committee staff member.

¹⁰ In this context, *ex officio* means that they may sit with the Subcommittee as non-voting members.

Western Hemisphere, Peace Corps, Narcotics, and Terrorism; East Asian and Pacific Affairs; and International Operations. The current Ranking Member, Senator Biden, is a member of the Subcommittee on European Affairs.)

Subcommittee membership for the 106th Congress, and a precis of jurisdictional responsibilities follow.

(1) Western Hemisphere, Peace Corps, Narcotics, and Terrorism:

Republicans (4)	Democrats (3)
Paul Coverdell—Chair Jesse Helms Richard Lugar John Ashcroft	Christopher J. Dodd—Ranking Member Barbara Boxer Robert G. Torricelli

The Subcommittee has both geographic and functional responsibilities. Its geographic jurisdiction extends from the Arctic Ocean to the tip of South America, including the Caribbean. Geographically, the Subcommittee focuses on relations between American nations, boundary matters, regional treaty implementation, economic relations and security matters affecting the Western Hemisphere, and the Organization of American States. Its functional responsibilities include promoting U.S. trade and export; hemispheric crime; and oversight of regional foreign assistance programs. The Subcommittee also has oversight for the Peace Corps; foreign policy programs and international cooperative efforts to combat the flow of illegal drugs or substances; and foreign policy, programs, and cooperative efforts to combat international terrorism.

(2) International Economic Policy, Export and Trade Promotion:

Republicans (4)	Democrats (3)
Chuck Hagel—Chair Craig Thomas Bill Frist Richard G. Lugar	Paul S. Sarbanes—Ranking Member John F. Kerry Barbara Boxer

The Subcommittee focuses on U.S. foreign economic policy, trade, "and international economic growth and development." Its jurisdiction includes measures that enhance U.S. exports and promote trade; protecting and promoting American economic interests; protecting U.S. citizens abroad; international investment and management; commercial properties abroad; technology transfer; intellectual property; international monetary policy; U.S. involvement in international financial organizations; activities of the U.S. Agency for International Development; and U.S. contributions to international organizations that assist other countries. The Committee also exercises jurisdiction over policy matters affecting international agreements concerning the environment, the oceans, and space.

(3) European Affairs:

Republicans (5)	Democrats (4)
Gordon H. Smith—Chair Richard G. Lugar John Ashcroft Paul Coverdell Chuck Hagel	Joseph R. Biden—Ranking Member Paul S. Sarbanes Christopher J. Dodd Paul D. Wellstone

The Subcommittee has jurisdiction over "matters concerning the continent of Europe". Its regional jurisdiction extends to North Atlantic Treaty Organization (NATO) countries, the states created as a result of the break up of the Soviet Union, and matters involving "Greenland, Iceland, and the North Polar Region." The Subcommittee on European Affairs also has functional jurisdiction over issues involving U.S. trade with Europe; "terrorism, crime, and the flow of illegal drugs;" and assistance programs that lie within its regional jurisdiction.

(4) East Asian and Pacific Affairs:

Republicans (5)	Democrats (4)
Craig Thomas—Chair Jesse Helms Paul Coverdell Chuck Hagel Gordon H. Smith	John F. Kerry—Ranking Member Russell D. Feingold Paul D. Wellstone Robert G. Torricelli

The Subcommittee's regional jurisdiction includes the Asian mainland, Australia, Indonesia, Japan, Malaysia, New Zealand, Oceania, the Philippines, and the South Pacific Islands. Its functional responsibilities include regional trade, crime, terrorism, illegal drugs, and assistance programs that lie within its regional jurisdiction.

(5) International Operations:

Republicans (4)	Democrats (3)
Rod Grams—Chair Jesse Helms Sam Brownback Bill First	Barbara Boxer—Ranking Member John F. Kerry Russell D. Feingold

The Subcommittee has jurisdiction and oversight responsibility for the Department of State; the U.S. Information Agency; the Foreign Service; "international educational and cultural affairs and foreign broadcasting activities; foreign buildings"; U.S. involvement with the United Nations (UN) and its affiliated organizations; and U.S. relationships with other international organizations that are not under the jurisdiction of other subcommittees. It also has jurisdiction over general provisions of international law, law enforcement, and criminal activities.

(6) African Affairs:

Republicans (3)	Democrats (2)
Bill First—Chair Rod Grams Sam Brownback	Russell D. Feingold—Ranking Member Paul S. Sarbanes

The Subcommittee's geographic jurisdiction includes U.S. relationships with African states and matters, except for countries that border the Mediterranean. The Subcommittee also has responsibility for matters that promote trade in its region, and for matters involving "terrorism, crime and the flow of illegal drugs," and it has "oversight over U.S. foreign assistance programs that fall within [its] regional jurisdiction."

(7) Near Eastern and South Asian Affairs:

Republicans (5)	Democrats (3)
Sam Brownback—Chair John Ashcroft Gordon H. Smith Rod Grams Craig Thomas	Paul D. Wellstone—Ranking Member Diane Feinstein Paul S. Sarbanes

This Subcommittee's regional jurisdiction includes the Middle East, North Africa, Israel and Arab-Israel relations, the Persian Gulf, Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka. Functionally, the Subcommittee deals with problems similar to those of other subcommittees including trade with countries in its region; terrorism, crime and illegal drug problems emanating from its region; and U.S. foreign assistance programs for regional states.

5. Formal National Security Process Involvement.

A. Overview of the Legislative, Committee, and Subcommittee Processes:¹¹

(1) Formal Legislative Process: (See process flow map at appendix.) The Senate operates under a set of rules. However, it operates most effectively when it waives its rules, usually through unanimous consent or through senatorial courtesy. The Senate has two majority rules: the first is a simple majority (51 Senators); the second is a super majority (60 Senators). The latter is necessary to cut off debate and bring issues to a vote; the former is usually sufficient to pass legislation.¹²

Only a small number of the thousands of proposals that are introduced in the Senate and placed before Committees during a legislative session reach the floor for deliberation and full-Senate decisions. The Committee system is designed to select from this vast number those

¹¹ See Marlowe. Dove, Robert B. (Parliamentarian, U.S. Senate; hereafter Dove). Enactment of a Law, <http://thomas.loc.gov>, and Congressional Research Service. The Committee System in the U.S. Congress, 1994 www.sen.gov/committees.

¹² Constitutional exceptions to the simple majority rule include overriding a Presidential veto, conviction in an impeachment proceeding, and treaty ratification which require a 2/3rds majority for passage.

proposals that are deemed most important for the nation. The expression "died in Committee" applies to the greatest number of annual proposals.

Senators may introduce legislation, either on their own initiative, or on behalf of individuals and/or groups. Legislative proposals, which take the form of bills or resolutions, come from any of several sources.¹³ For example, the President proposes legislation in his State of the Union message, his budget, and in executive communications to Congress. Executive Branch Departments and Agencies may also make proposals, which are filtered through the Office of Management and Budget. (See also Volume II, Chapter 3 on the Office of Management and Budget.)

Legislative proposals, regardless of source, can only be introduced by Senators, acting either on their own or "by request."¹⁴ They are introduced during the period known as "morning hour", although rules usually accommodate bill introduction at any time during a legislative day.¹⁵ Bills and resolutions have only one principal sponsor, but it is common for other Senators to co-sponsor proposals. Co-sponsorship can be partisan or bipartisan.

Once introduced, the Presiding Officer of the Senate refers the proposed legislation to the appropriate Committee, where it is placed on the calendar. Where it falls on the calendar is an indication of how seriously the Committee chair intends to pursue it. Usually proposals may be further allocated to Subcommittees for study and subsequent report to the full Committee or retained at full Committee-level at the discretion of the Chair. What happens next depends on whether the Committee and Subcommittee chairs are favorably disposed toward the legislation.

If they oppose the legislation, or do not assign it a high enough priority on the calendar, the bill will languish in Committee and, unless extraordinary measures are taken, will not be considered by the full Senate.¹⁶ When this occurs, the matter may be dropped, or it may be re-introduced at the next session.

Whether a bill is considered often depends on who sponsors and co-sponsors it and their relationship with the Chair. If several Committee members co-sponsor a bill, it has a better chance of moving through the Committee process, for example. If the President and the Committee Chair are of the same party, the bill will have a better chance. If the President and the Chair are of different parties, the bill may still receive a hearing, but the hearing may be hostile and designed to embarrass the Executive Branch.

If the Committee or Subcommittee Chair are disposed to consider and report a bill out of Committee for floor deliberation, they use essentially the same procedures. The chair will first

¹³ Bills are general legislative proposals. Resolutions are "used primarily to express the sense of the Senate . . . or to take care of "housekeeping" matters, including changes in rules, that apply only to the Senate." Joint Resolutions have the same effect as bills. Concurrent resolutions express the sense of Congress; affect housekeeping activities common to both houses; or modify the language of a proposal already passed by one house. Dove.

¹⁴ Bills introduced on behalf of the Administration, private groups, or private citizens are annotated "by request." A Senator introducing such a bill may do so as a courtesy, and may not actually favor the legislation. For example, Administration bills are traditionally introduced by the Committee chair having jurisdiction, even though the chair may be from the opposing party.

¹⁵ Technically, a legislative "day" is the time from one adjournment until the next adjournment and usually includes a number of calendar days.

¹⁶ There are parliamentary mechanisms for end-running committee Chairs, but they are rarely used because using them is considered a "slap" at the Chair, which is likely to rebound to the initiator's disadvantage at a later point.

ask for written comments from the Executive Branch. It will then hold hearings in which witnesses provide both written and oral testimony. Based on the outcome of these initial steps, the Subcommittee Chair may make a recommendation to the Committee Chair that the Committee "mark up" the bill or resolution. This is a line-by-line review that includes amending the original language (and often the intent) to bring it in line with Committee Chair and other members. Mark ups may be open to the public, or, if classified information is discussed, they may be closed. As a rule, most of the line-by-line review is done by the staff who identify key passages and recommend alternative language and other amendments.

If the Committee Chair elects to consider the bill, it goes through a similar mark up (including introduction of amendments by Committee members) and is voted on by the entire Committee. Once the Committee approves the bill by a simple majority vote, the Committee staff prepares a draft of the bill that reflects Committee changes, which is sent to the full Senate for deliberation.

In some Committees, the Subcommittees also conduct mark up procedures prior to passing it to the full Committee. Under current Committee rules, the Subcommittees of the Committee on Foreign Relations have no mark up authority. In preparing authorization bills, the Committee Chair presents the full Committee with a "draft" bill for Committee mark up. Members may propose amendments to this draft, and amendments are voted on by the Committee. The Committee Chair and the Ranking Member of the current Committee have an excellent relationship. While they do not agree on every issue, they do work together to move legislation through the Committee. Generally, this relationship results in favorable action on legislation the Committee considers.

Bills the Committee sends to the floor normally are accompanied by a written report (prepared by the Committee staff) that explains the Committee's actions and intent, describes the rewritten bill, and makes arguments for passage.¹⁷ Senators voting in the minority on a bill that is reported out of Committee may also provide a written report that states their views. Once on the floor, the bill is managed by Committee members during deliberation. The Committee staff assists floor managers by building support with the staff of Senators who are not members of the Committee, preparing floor remarks, and overseeing additional amendments, including Committee Amendments offered by the Chair to offset the effects of other floor amendments.

Once the entire Senate has passed a bill, it is scheduled for conference with the House of Representatives to reconcile differences between the two versions.¹⁸ Senators and Representatives who meet in this venue meet as a Conference Committee. The majority of differences are worked out by staff; however, Conference Committee members are personally involved with important issues that defy staff resolution. At the conclusion of the conference, either the House or the Senate prepares the conference report and the reconciled bill is returned to each chamber for passage.

¹⁷ Reports are numbered consecutively, beginning with the first report of a Congress, and do not match bill numbers.

¹⁸ In the case of most authorization bills, the Senate and House begin work on them independently, but almost simultaneously. Although informal contacts may keep members apprised of what the other chamber is doing, there is no formal collaboration until the conference. For appropriations measures, the Senate normally awaits the House version, then amends that bill. The amended appropriations bill becomes the basis for conference.

When both chambers pass the bill, it is sent to the White House for the President's signature (or veto). Once the bill becomes law, the Committee has oversight responsibility to ensure the Executive Branch adheres to its provisions. For example, the Committee on Foreign Relations has oversight authority over the provisions of the Arms Export Control Act and can hold oversight hearings and conduct investigations to ensure the Act's requirements are adhered to by the Administration.

(2) Hearings: Hearings are one of the most visible and effective formal methods for Committees to influence the seven key processes. Typically, hearings begin in the appropriate Subcommittee; however, they also occur at meetings of the full Committee. Both parties may recommend witnesses, and all Senators may question them for specified periods of time, depending on the rules that are in force. Hearings may be supplemented by staff research.

In addition to hearings on bills, Committee and Subcommittees hold hearings for other reasons that include spotlighting particular issues. This type of hearing may include oversight hearings and focus on a particular issue, program, or Executive Branch action in relation to the appropriate law. Hearings are also conducted to fulfill the Committee's advice and consent responsibilities—in this case with respect to Department of State and related agencies' senior officials, Foreign Service Officer promotions, and U.S. ambassadors. Hearings may be conducted as a way of scrutinizing Administration actions or pressuring the Administration to act in certain ways.

For example, the Committee on Foreign Relations has jurisdiction over interventions and declarations of war (see paragraph 2). Because it has this jurisdiction it can—and has—held hearings that are designed to shape Administration policy with respect to specific interventions. One memorable example of this is the series of hearings held by the Committee during the Vietnam War when Senator Fullbright was the Committee Chair.

Committee and Subcommittee Chairs have broad latitude in structuring hearings regardless of type. They decide on witnesses and they often organize or "stage manage" proceedings so that testimony supports their position. Usually, Senators from the minority party will have some latitude to negotiate for their own witnesses, and/or they may treat those witnesses chosen by the majority in a hostile manner.

Committee staffs often prepare packets prior to hearings that include copies of the witnesses' written testimony and suggested lines of questioning.¹⁹ Separate packets are often prepared for majority and minority Senators and reflect Chair (or Ranking Member) and party views. During and following hearings, the staff tracks and collects question- for-record responses from witnesses (i.e., those responses to questions for which the witness will provide a written answer) and maintain the hearing file. At some point after hearings are concluded, the staff will prepare a hearing report, one of several types of reports issued by Committees.

(3) Reports: Reports provide information, instructions, and rationale for Committee decisions. There are several types of reports.

¹⁹ Most witnesses submit written testimony prior to hearings and their oral testimony summarizes the printed text. Instructions prepared by committees prior to hearings encourage witnesses to keep their opening statements brief, leaving Senators ample time to question witnesses.

(a) Hearing Reports, produced by Committee or Subcommittee staff, record the testimony, questions, and answers from hearings. They are records of events, and the Committee or Subcommittee does not usually vote them out. While they may contain important information, they are not authoritative.

(b) Reports that Accompany Legislative Actions are primarily informational and explanatory. They may contain directions for Executive Branch activities (such as a requirement to conduct an investigation or prepare a report). These directions are not legally binding, but are often honored by custom and tradition. The alternative to honoring report directives is to risk having them included in law the following year, perhaps with more stringent requirements. For example, a Department that does not honor a report direction for a semiannual report will usually find the requirement written into law the following year with a requirement to submit the report quarterly. Reports that accompany legislation often convey the sense of the majority of Committee members concerning issues and draw public attention to them. The Subcommittee and Committee vote on these reports before they are reported out to the full Senate. While some Committees include numerous instructions in these reports, the tradition in the Committee on Foreign Relations is to put most instructions in the bill itself and use reports accompanying legislation as a legislative history and explanation of the Committee's intent.

(c) Reports that Accompany Nominations and Treaties are similar to reports that accompany legislative actions. They provide rationales for recommendations on nominees and treaties, which, in controversial cases, may serve as a surrogate to provide views on Administration policy. There is rarely a separate vote on this report. The reports usually "accompany" the bill or nomination that is voted out.

(d) Investigative Reports deal with specific matters, activities, or programs over which the Committee has jurisdiction. If the Committee issues them they are voted out. If the staff issues them, they may be voted out or released by the Committee Chair.

(e) Conference Reports describe the reconciliation agreements made by conference Committees concerning specific legislation. Conference reports contain requests and directives that, while not law, are customarily honored. They are prepared by either the House or the Senate, usually on a rotating basis, and they accompany the reconciled legislation to each chamber. The conference Committee votes these reports out.

Products	Hearing Reports	✓	✓			✓	✓	✓
	Bill/Resolution Report	✓			✓	✓		✓
	Treaty Reports	✓				✓		✓
	Nomination Reports	✓				✓		✓
	Committee/Staff Reports	✓				✓		✓
	Conference Report	✓				✓		✓
	Subpoenas					✓		✓
	Committee Amendments	✓				✓		✓
Roles	Advice & Consent	✓	✓	✓	✓	✓	✓	✓
		Strategy Development	Policy, Guidance, and Regulations	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing

B. Strategy Development:²⁰

(1) Major Activities: Although the Committee on Foreign Relations does not participate directly in internal Administration processes that develop national security strategy, hearings, reports, and studies can influence the Administration's strategic options. Through the hearing process (described in paragraph 5.A.) the Committee can influence the Administration's choice of strategic options by identifying those it supports and those it considers unacceptable. It can also issue Committee and staff reports that spotlight issues and help focus public attention on strategic options and policies.²¹

By constructing authorization bills (and other legislation) that regulate various aspects of international relations, the Committee can affect the structure of the foreign policy establishment and enhance or restrict its latitude to implement the strategy it develops. Also through authorization bills, it can limit or enhance funding, which impacts options for strategy developers. Through conferences to reconcile differences in House and Senate versions of authorization bills, Senators can influence House members to accept their views.

In addition to these measures, if the Committee Chair is powerful and well respected in the Senate, the Administration may discard some strategic options that the Chair opposes if they are seen as politically risky in terms of Senate approval. This is not to suggest that Administrations are unwilling to challenge Committee Chairs on matters the Administration believes are important. The evidence suggests the opposite to be the case. However, during strategy development, Administration officials are likely to take into consideration the prevailing

²⁰ The narrative that follows discusses Committee activities in terms of the processes the U.S. Commission on National Security/21st Century prescribed and according to the definitions it stipulated. Committee staff indicated that, from their standpoint, the Committee deals only with policy and oversight activities and that everything the Committee does falls into one of these two categories.

²¹ Staff noted that the Administration's National Security Strategy document has no relevancy for its proceedings and was treated as a document that applied only to the Administration, not to Congress.

sentiment on the Hill as reflected in a powerful chair's pronouncements.²² This is especially true, given the Committee's authorizing power, which can influence structure and operating procedures or place limits on how funds can be expended for strategy implementation. (See also paragraph 5.H. below.)

(2) Major Stakeholders: The Executive Branch (especially the State Department and related activities), various political constituents, and special interest groups (such as political action groups representing the interests of a country or region) depending on the issue.

(3) Key Organizational Processes: Committee and Subcommittee level hearings and reports.

(4) Associated Higher-Level Processes: Authorization and Appropriations law.

(5) Associated Lower-Level Processes: Preparation of the National Security Strategy and other major strategy documents by the Executive Branch.

C. Policy, Guidance, and Regulation:

(1) Major Activities: The Committee influences policy, guidance and regulation through reports and legislation. By reporting out of Committee and achieving a majority vote on the floor of the Senate, bills and accompanying reports make policy and craft regulations. For example, the Foreign Affairs Reform and Restructuring Act of 1998—an act that began in the Committee on Foreign Relations—shaped the structure and size of the Department of State and related activities (e.g., abolished the Arms Control and Disarmament Agency and placed the U.S. Agency for International Development under the Department).²³ (See paragraph 5.A. for a description of Committee and Subcommittee processes.)

(2) Major Stakeholders: The Executive Branch and various political constituencies.

(3) Key Organizational Processes: Committee and Subcommittee level hearings and report preparation.

(4) Associated Higher-Level Processes: Authorization bill preparation.

(5) Associated Lower-Level Processes: Administration-proposed legislation.

D. Planning: The Committee on Foreign Relations has no involvement in national security planning.

E. Mission Execution: The Committee on Foreign Relations has no direct involvement in mission execution in the sense that it can directly command and control Executive Branch operations. However, it can exert influence on how the Administration manages ongoing

²² For example, according to a former Senator, when Senator Nunn chaired the Senate Armed Services Committee, his reputation and ability to influence other senators on defense matters was such that Administration officials considered how he would react to policy and strategy matters during formulation.

²³ Public Law 105-277.

missions through hearings and/or introduction of legislation that supports or impedes operations. During the Vietnam conflict, for example, the Committee was often in the forefront of commentary and criticism on the ways in which the Administration planned and executed military and diplomatic missions related to the war.

Knowing that the Committee may take up (and perhaps limit through authorization language) important Administration actions during an ongoing mission can act as a brake on Administration options. In the extreme, it is conceivable that the Committee could refuse to authorize appropriations for an ongoing operation, although it has traditionally supported fielded forces, even when it disagrees with the policy that fielded them (see paragraph 5.H. below).

F. Observation, Orientation, and Oversight:

(1) Major Activities: The Committee fulfills its oversight responsibilities by conducting hearings and preparing reports. (See paragraphs 5.A. and 5.C. See also the discussion of authorization procedures in paragraph 5.H.)

(a) Nominations and Confirmations: The Committee's oversight authority extends to nominations for filling senior foreign affairs and ambassadorial positions and confirmation of various personnel actions affecting the foreign policy community.²⁴ While senior level appointments often hold the spotlight, the Committee deals with hundreds of other appointments and Foreign Service Officer appointments each year. In dealing with appointments—especially senior level and ambassadorial appointments—the Committee customarily holds hearings and prepares reports that present the views of the Committee Chair and a majority of Committee members. If the Committee recommends that a nomination be considered, the full Senate usually accepts that recommendation. Similarly, if the Committee recommends that a nomination be rejected, the full Senate often concurs. The Committee may also delay nominations to influence the Administration.

(b) Treaty Ratification: The Constitution empowers the President to negotiate treaties; however, only the Senate can ratify them.²⁵ Without ratification, the treaties are not binding. The Senate ratifies by two-thirds majority vote. The vote on the floor of the Senate occurs after the Committee on Foreign Relations has examined the content of the proposed treaty, held appropriate hearings, and reported the treaty out of Committee. Once the Senate ratifies treaties, they have the force of law. The process is essentially the same as that described in paragraph 5.A.

In recent years, the Committee's ability to influence treaties and other international agreements, especially those dealing with nuclear weapons and other weapons of mass destruction has sometimes been in opposition to Administration objectives. A recent example of the Committee's power in this respect is the Nuclear Test Ban Treaty.

(2) Major Stakeholders: Executive Office of the President; Department of State; Department of Defense; various political constituents.

(3) Key Organizational Processes: Committee and Subcommittee level hearings.

²⁴ Such as the Secretary of State, the Deputy Secretary, the Under Secretaries, and the Assistant Secretaries.

²⁵ Article 2, Section 2.

(4) Associated Higher-Level Processes: Ratification of treaties and confirmation of nominations.

(5) Associated Lower-Level Processes: Administration processes for negotiating treaties and preparing nominations.

G. Preparation: The Committee on Foreign Relations has no direct involvement in national security preparation, although provisions of authorization language may affect the way in which Executive Branch entities prepare. For example, an authorizing bill may direct that certain training be provided to Foreign Service officers.

H. Resourcing:

(1) Major Activities: All of the Committee's products have resource implications. The Committee produces the State Department authorization bill and foreign aid/assistance authorization bills. Authorizing legislation constitutes the legal basis for Department and Agency operations, structures Departments and Agencies, prescribes responsibilities, and authorizes Appropriations Committees to fund programs such as foreign aid. In essence, it tells Departments or Agencies what they can commit funds to, and it tells Appropriations Subcommittees how much funding to allow.

Theoretically, Appropriations Committees cannot appropriate funds without authorizing legislation, nor can they appropriate funds in excess of the amounts authorized when amounts are specified. Conversely, appropriations measures are not to contain authorization—or legislative—language. In practice, however, the distinctions are blurred. For example, the last time the Committee on Foreign Relations reported out an authorization bill for the State Department was 1993 (FY1994), yet the Department continues to be funded. And Appropriators routinely include legislative provisions in appropriations bills. For instance, the fiscal year 1995 Omnibus Appropriations Bill provides that levels of assistance to Israel and Egypt are contingent upon progress under the Camp David Accords.²⁶

In addition to authorizing the expenditure of funds, authorization legislation can organize and structure organizations, and they often contain directives or proscriptions with respect to responsibilities and actions. They also can establish operational processes and procedures; specify personnel policies; and direct the Department or Agency to conduct studies and provide reports. And they can require interaction with other Departments and Agencies.

In terms of resourcing, authorizing legislation usually provides an indication of funding levels, either specifically or in general. Authorization bills are "ceilings," appropriations bills are "floors." An authorization act may make a specific amount of money available and restrict its use to certain activities. In these cases, the Appropriations Committees may not appropriate more than that amount, although it may appropriate less. Or, authorizing legislation may be general: "In order to provide the State Department with dependable, flexible and adequate source of funding for its expenses . . . before an international tribunal. . . the International Litigation Fund [ILF] shall be available without fiscal limitation."²⁷ Authorizing language may be

²⁶ Report Number 104-863, September 28, 1996, p. 133.

²⁷ Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Section 113.

restrictive: "... funds credited to the ILF shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming."²⁸ Finally, authorization bills frequently contain "earmarks." Earmarking is a technique by which funds are authorized for a particular program or activity, reflecting a Senator's interest in that program and his/her ability to generate support for it among colleagues.

Generally, authorizations do not extend beyond a few fiscal years, and often are made for only a year (although some authorizations are permanent and continue until modified by new authorizing legislation). Limiting the length of authorizations allows Authorizing Committees an opportunity to review Department and Agency performance frequently. As one observer noted, "temporary authorizations are a short leash Congress can pull to compel changes in an agency's policies or actions."²⁹ Yet, despite formidable rules, appropriations do occur even when there is no current authorization—and sometimes in spite of authorizing language. The Department of State, for which the last authorizing bill was passed in 1993, serves as an example. Appropriating in the absence of authorizations is not unconstitutional *per se*.

Because both chambers must pass identical bills before sending them to the President for signature, House-Senate conferences occur routinely. When the Committee on Foreign Relations reports out an authorization bill that is passed by the Senate, the Chair and Ranking Member of Committee on Foreign Relations select Senators to meet with Members of the House Committee of Foreign Affairs to reconcile differences in the House and Senate versions.

These conferences typically require several meetings, which may or may not be held on sequential dates. In other words, a conference might begin in July and not conclude its business until September, although it does not meet everyday during this period. Usually, most compromises are brokered by staff and presented to Senators and their House counterparts for approval. When one side agrees to accept the language proposed by the other, it is said to have receded to the point. While receding is common and occurs as a result of compromises, sometimes conferees craft language that is different from what either chamber's bill contained at the outset of the conference.

Once the conference has resolved differences, a common version of the bill (together with a conference report that describes the compromises made during conference) is provided to the respective chambers for deliberation and approval. Once both houses pass the measure, it is sent to the White House for the President's signature and becomes public law or is vetoed.

In recent years, the Appropriations Committee does not wait for authorizing legislation before preparing and considering appropriations. This process is often nearly independent of the authorizing deliberations.³⁰ (See Chapter 7 on the Senate Appropriations Committee.)

(2) Major Stakeholders: Executive Office of the President; Department of State and related activities and agencies; special interest groups; "think tanks" and various political

²⁸ Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Section 113.

²⁹ Schick, p. 117.

³⁰ The authorizing-appropriating formula is not enshrined in the Constitution but originated in the mid-1860s. Before that time, single committees both authorized and appropriated, usually in one piece of legislation. Because the system is a creation of Congress, Congress could change it if it so desired, and it sometimes chooses to ignore it altogether.

constituents including nongovernmental organizations that depend on United States Agency for International Development for grants and contracts.³¹ (In the past, authorizing legislation has placed "strings" on how money may be provided to nongovernmental organizations.)

(3) Key Organizational Processes: Committee and Subcommittee level hearings and reports; staff investigations.

(4) Associated Higher-Level Processes: Appropriations.

(5) Associated Lower-Level Processes: Administration processes for preparing budget requests.

6. Informal National Security Process Involvement. There are no informal processes that are so fixed that they apply across a large number of events. Most informal processes are focused on information gathering and issue resolution. These are described in the following subparagraphs.

A. Contacts with Administration Officials: In addition to formal hearings, written testimony, and written responses to questions, informal contacts with Administration officials occur throughout the process. Both Senators and staff members hold informal discussions, and part of the purpose of these contacts is to determine true needs and to separate them from nice-to-have programs. The Committee staff will usually develop long-term networks of contacts in the Department of State and its related activities and the Department of Defense. At present, the Minority staff also maintains in-depth relations with the National Security Council staff; NSC-Majority staff relations are less cordial. The contacts also provide Senators and staff with ranges of options and with the basis for trade-offs during formal negotiations.

While important for both chambers, in the case of the Senate, informal contacts help determine the best options and permit Senators to gauge the effect of their actions or proposals without recourse to more formal mechanisms, such as hearings and subpoenas. Additionally, informal contacts with Administration officials provide an opportunity for Senators to influence Administration choices and behavior with respect to policy and budget matters. Conversely, since Administrations are not monolithic, these contacts give Executive Branch officials with views that are inconsistent with official policy a venue to express them.

B. Contacts with Other Senators: If a Senator is a member of the Committee on Foreign Relations, getting his/her priorities considered and into a bill for which the Committee has jurisdiction is not difficult. For Senators who do not serve on the Committee, the task is more daunting. Each year the number of requests exceeds capacity, which requires Senators to make choices among competing requests from their colleagues. As a result, "trades" between members commonly occur. Recently, there has been a trend toward ensuring that every member receives at least some of what he/she requests in order to ensure support for bills on the floor and to build alliances for other matters. Attempts to do this are marked by personal negotiations between Senators and between their staff representatives. Under the current Chair, consensus building among members of the Committee has been a standard practice.

³¹ A key USAID operating technique is to engage nongovernmental organizations to carry out actual development activities. Over the years a substantial number of these organizations have come to depend on this system. If appropriations are delayed, some of them may lobby Congress in an effort to expedite them.

C. Contacts in Conjunction with House-Senate Conferences: When conferences occur, there is a large amount of informal deal making and trading between members of both chambers, either directly or through their staffs. It is not uncommon for Senate and House personal and professional staff members to meet on behalf of their principals. This simplifies the agendas for conferences, resolves questions of fact, and leaves Senators and Representatives free to discuss significant issues. Reports that accompany authorization acts, for example, typically include thousands of items in which the language of the Senate and House versions differed. Most of these are worked out through staff negotiations which members subsequently endorse.

D. Influencing the Public: Senators routinely use press releases, speeches, debates, interviews, and other means to influence public opinion either in support of or opposition to high priority issues. Enlisting public opinion helps Senators achieve their legislative agendas and often raises the quality and scope of debates on important issues.

7. Funding and Personnel.

A. Funding Sources: The Senate Foreign Relations Committee is funded through the Legislative Branch appropriations as authorized by the Committee on Roles and Administration.

B. Budget: The budget for FY2000 is \$3,158,449.³²

C. Manpower: For the 106th Congress, the Committee includes 18 Senators (10 Republicans and 8 Democrats) and 46 Staff Members.

8. Observations.

A. Organizational and Process Forms: The processes and organization used by the Senate and its Committees are a creation of the Senate. Although often slower than some believe it should be, and while the Senate sometimes suspends its own rules, the system works effectively, at least in terms of screening legislative proposals and announcing the views of Committee Chairs. Occasionally, the system leads to comprehensive and rich debates on matters of extreme importance to national security, although it can also lead to posturing. When legislation is delayed, it is most often because of political considerations or differences, not the way the Senate is organized or the processes it chooses to prosecute its business. The Committee on Foreign Relations' jurisdiction tends to line up effectively with Administration Departments, most prominently the Departments of State and Defense, the U.S. Trade Representative, and arms (and other) export control activities.

B. Authorizations, Confirmations, and Ratifications: One former member of the Senate remarked during an interview that the Senate as a whole spends too much time on funding and not enough time deliberating policy and strategy. An examination of authorization acts seems to confirm this assessment. However, the characterization tends to apply more to other Committees than to the Committee on Foreign Relations, which has a tradition of reviewing and evaluating Administration policy during both formulation and implementation stages. The Committee does this through authorization hearings and reports, hearings and reports on special issues, treaty ratification hearings and reports, and hearings and reports to confirm Administration nominees. Hearings and reports are powerful tools as well as Committee

³² Senate Resolution 189, Section 10.

products, and often involve spirited debate over national security issues. These debates, in turn, inform the electorate.

Authorization legislation and accompanying reports deal with resourcing issues as well as other matters. Authorization bills can determine the structure of those organizations involved with national security, shape policy and strategy, prescribe (or proscribe) certain actions and activities. Committee recommendations and accompanying reports influence the appointment of senior officials and the ratification of treaties. During confirmation hearings, nominees views and likely agendas are investigated. Senators will often try to shape nominees views and/or lay down markers as to what they will not accept in terms of policy and behaviors. When considering treaties, the Committee questions Administration witnesses as well as outside experts to determine the likely effect of the treaty on national security.

C. The Power of the Chair: Under Senate rules, Committee Chairs (and in some Committees, Subcommittee Chairs) have tremendous authority over matters under their jurisdiction. By determining which proposals will be reported out to the floor, by sanctioning authoritative reports to accompany these proposals, and by managing floor debate, the Chairs often determine which proposals will become the law of the land. The most powerful Chairs are those that are subject matter experts and are respected by other Senators for their knowledge. At a time when some have suggested that Senators are becoming more specialized, many Senators rely on consultations with respected peers to determine how they will vote on issues.³³ If this trend continues, Chairs and other Senators who are acknowledged as experts by their peers will become more influential in shaping debate outcomes.

D. Jurisdictional Issues: Although most Committees have lists of their jurisdictions, actual division of responsibilities is not clear-cut. There are overlapping issues that often involve intense discussions and often are unresolved. In the case of the Committee on Foreign Relations, there have been a number of jurisdictional disputes with the Senate Armed Services Committee over policy issues and with the Senate Banking Committee over trade and export-import issues. Jurisdictional disputes are indicative of the complexity of current national security challenges.

E. Inter Branch Tensions: As one expert pointed out, Senators often have a much broader view of the political situation than do Executive Branch Departments and Agencies, although they frequently lack the depth that Department experts possess.³⁴ This wider perspective is the product of the fact that Senators are more attuned to the political realities upon which their positions depend. Senators who serve on Committees such as the Foreign Relations Committee and the Committee on Armed Services are aware not only of national security matters, but of the domestic politics that directly or indirectly affect national security decision making. Administration officials focus more narrowly on those matters that have an impact on their organizations, and, because of the press of requirements, often do not consider political issues as closely. Beyond political issues, the longevity and scope of responsibilities of Senators

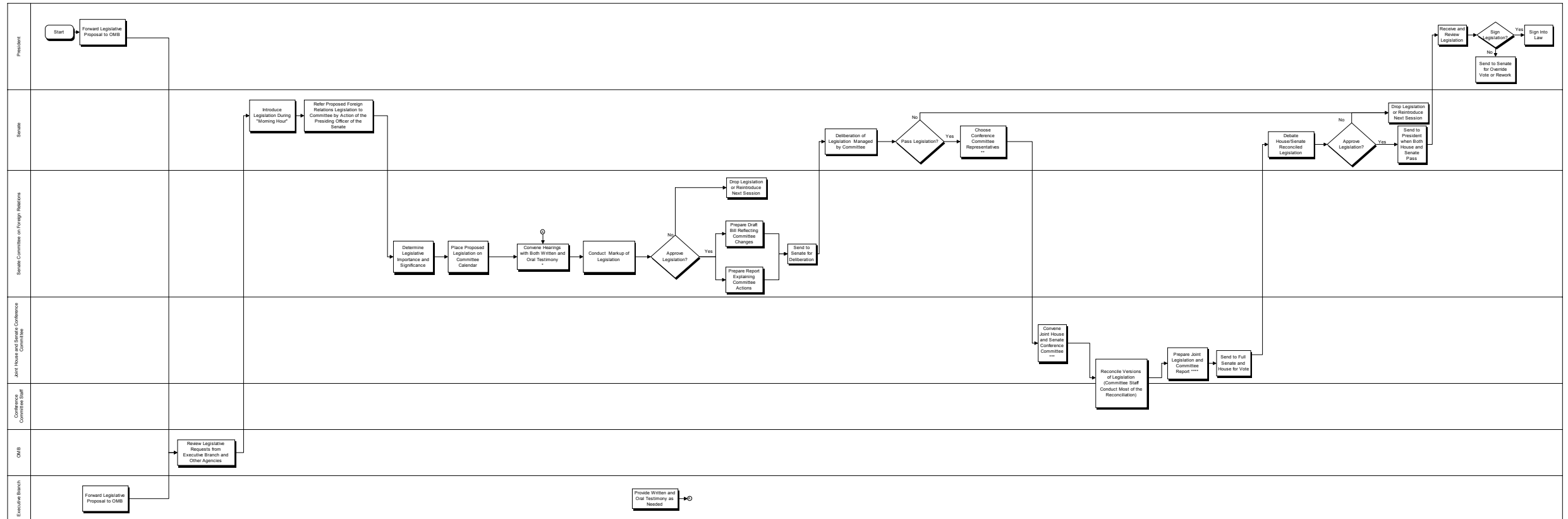
³³ Interviews. Because issues are becoming more complex and more information is available about them, Senators often tend to focus more on specific areas.

³⁴ Telephone interview, December 6, 1999.

are usually far greater than the individual Executive Branch official responsible for any given area.

APPENDICES

Senate Committee on Foreign Relations - Key Process - (Formal) - Policy, Guidance, Regulation - Legislative Process



ORGANIZATIONAL DESCRIPTION

SENATE COMMITTEE ON THE BUDGET



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

Senate Committee on the Budget

Overview

The Senate Budget Committee focuses on the enforcement of laws that outline the budget process. The Senate Budget Committee was established as a standing committee by the Congressional Budget and Impoundment Control Act of 1974. It sets Congressional policy and budgetary priorities by drafting the Senate version of the annual concurrent budget resolution. This resolution guides the Congressional budget process and defines aggregate spending amounts.

Organization

The Senate Budget Committee is one of 17 standing committees in the Senate and has no subcommittees. The Chair of the Senate Budget Committee and the Ranking Minority Member head the committee. The Committee is limited to a membership of 22 Senators and has approximately 43 professional staff.

Role in Formal and Informal National Security Processes

The Senate Budget Committee recommends to Senate and Senate entities recommendations on the budget, which, when adopted, establish Congressional budget policies and priorities through the annual budget resolution. The budget resolution sets aggregate topline funding levels for each functional budget category, which includes national security activities.

Observations

In general, the Senate Budget Committee maintains oversight of budgetary issues, while the authorizing and appropriating committees have control over the specific agencies and program details. Therefore, the Congressional budget process and adoption of the concurrent budget resolution offer Members of Congress the only opportunity to vote on—and take responsibility for—the size of the budget deficit, total spending and budget priorities.¹ However, while the Congressional Budget Act defines the Congressional budget process and calls for a budget resolution. Technically, the budget resolution is binding—it is internal rulemaking, however, and not law. In the absence of a budget resolution, the appropriations committees can move ahead with funding legislation regardless of whether a budget resolution has passed.

¹ Schick, Allen. The Federal Budget: Politics, Policy, Process. Washington, DC: The Brookings Institution. 1995.

ORGANIZATIONAL DESCRIPTION

UNITED STATES SENATE COMMITTEE ON THE BUDGET

1. Legal Specifications, Authorizations, and Responsibilities.

A. Congressional Statutes: Article I, Section 5, clause 2 of the Constitution provides that each chamber of Congress has the authority to determine the rules governing its procedures. More specifically, the Senate Budget Committee was established by Title I of Public Law 93-344, the Congressional Budget and Impoundment Control Act of 1974. The purpose of this law was to provide a focal point for Congress to establish the annual debt, surplus, revenue, and spending allocations. The Budget Committee sets the overall budget, however, which the

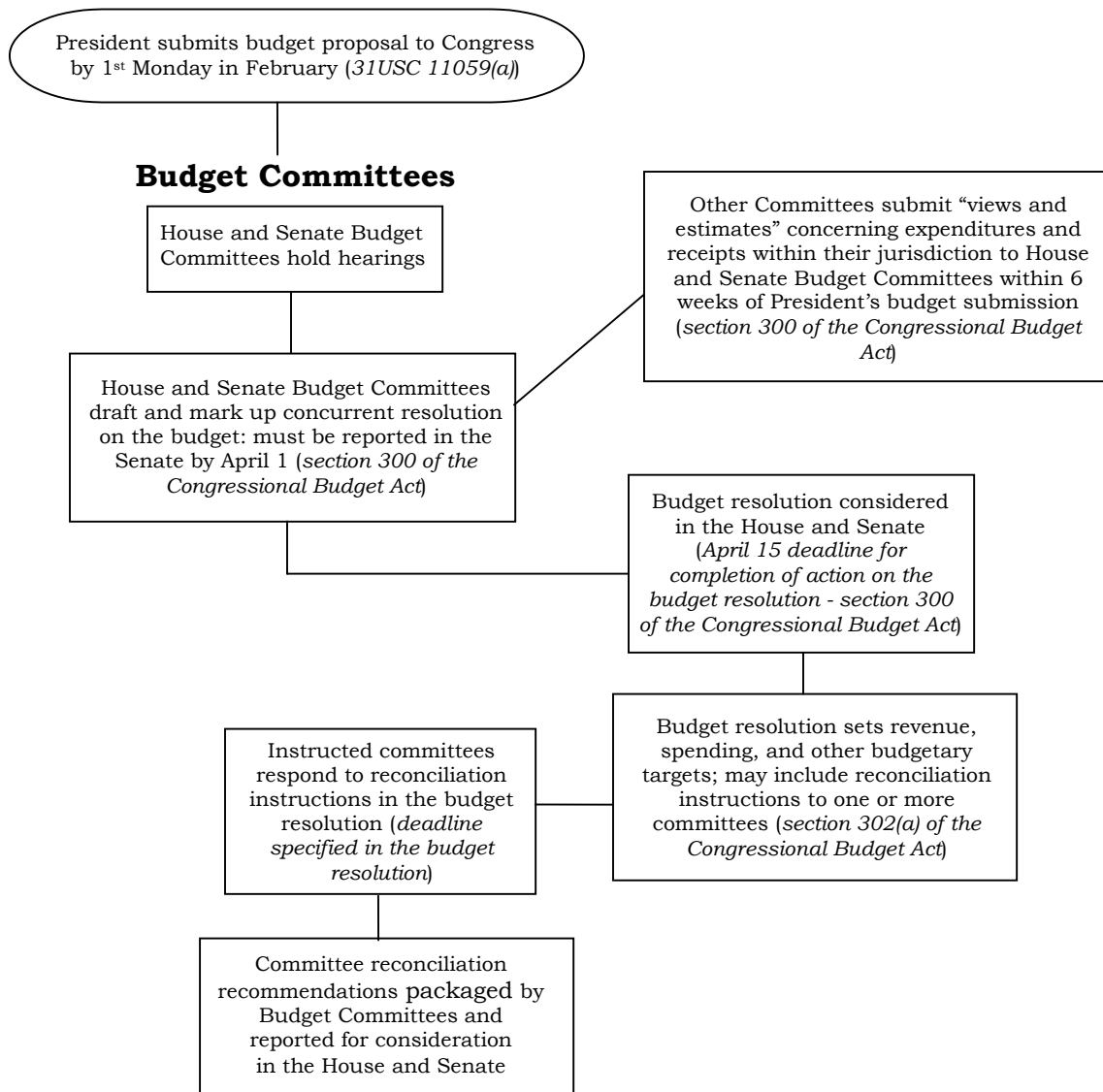


Figure 1. Timetable for Budget Committee Annual Action.²

² Extracted from table of the annual budget process. James V. Saturno, The Congressional Budget Process: A Brief Overview. CRS Report for Congress. (Order Code RS20095) 1 March, 1999.

authorization and appropriations process works. In addition to creating a standing committee in the Senate, the law amends the Rules of the Senate and the House of Representatives to improve Congressional control and involvement in the budget process and instituted Congressional activities to guide budget procedures. The legislation established a formal timetable (see Figure 1 above) for the Congressional budget process and created the Congressional Budget Office (CBO).

B. Department/Agency Directives: Other legislation directing the activities of the Senate Budget Committee include:

(1) The Budget and Accounting Act of 1921 created a more centralized approach to financial policy and processes in both the executive and legislative branches, and established a framework to balance the budget authority of the President and the Congress. The Act systematized the Presidential budget process, created the Bureau of the Budget (later to become the Office of Management and Budget (OMB)), and created the General Accounting Office (GAO), which acts as the government's auditor and reports directly to Congress.

(2) The Balanced Budget & Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings Act) was an effort to establish "maximum deficit amounts" as the budget deficit and public debt continued to increase.³ The Act modified the Congressional budget process in order to enforce the maximum deficit amounts and provided for the progressive reduction of the Federal budget deficit to zero by fiscal year 1991.

(3) The Budget Enforcement Act of 1990 replaced the enforcement mechanisms of the Balanced Budget and Emergency Deficit Control Act by shifting deficit targets from fixed to adjustable, establishing caps on discretionary spending, and establishing a pay-as-you-go requirement for direct spending and revenue legislation. The Budget Enforcement Act also provided both Executive Branch and Congressional enforcement mechanisms. These mechanisms include Executive Branch sequestration action and legislative procedures for reconciliation, as well as dividing responsibility for budget enforcement among the Appropriations Committee and authorizing committees.

(4) The Balanced Budget Act of 1997 amends the Congressional Budget and Impoundment Control Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 by revising and clarifying procedures and reporting requirements of the Congressional Budget Office and the Budget Committees, as well as increasing the points of order enforcement mechanisms available to the Budget Committee.

C. Other Relevant Directives: Senate Rule XXV 1.(e)(1) of the Standing Rules of the Senate outlines the jurisdiction and related functions of the Committee on the Budget.

³ "The Congressional Budget Process—An Explanation." Committee on the Budget. United States Senate.

2. Missions/Functions/Purposes.

A. Major Responsibilities: The Senate Budget Committee was established in order to provide oversight of the Federal budget and direct and monitor the budget process. Duties of the Committee to fulfill this obligation include:⁴

- (1) Responsibility for all concurrent resolutions on the budget;
- (2) Reporting matters required of it under Titles III and IV of the Congressional Budget Act of 1974;
- (3) Making continuing studies of the effect on budget outlays of relevant existing and proposed legislation and reporting the results of such studies to the Senate on a recurring basis;
- (4) Requesting and evaluating continuing studies of tax expenditures; devising methods of coordinating tax expenditures, policies, and programs with direct budget outlays; and reporting the results of such studies to the Senate on a recurring basis; and
- (5) Reviewing, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties.

B. Subordinate Activities and Agencies: The Committee maintains oversight of the CBO, which provides independent economic and budgetary data to Congress—separate from the President's budgetary analysis provided by the Office of Management and Budget—and formulates its own economic analysis. Additionally, CBO evaluates the economic impact of the President's budget proposal and the Congressional budget resolution.⁵

3. Vision and Core Competencies.

A. Vision: The Senate Budget Committee does not have a vision statement.

B. Core Competencies: The Senate Budget Committee's core competencies are guiding the budget process by means of an annual concurrent budget resolution that sets fiscal and budgetary policy and maintains oversight of the budget process. This process parallels the budget process in the House of Representatives, and the Senate and House Budget Committees are in close consultation throughout the process.

(1) The Senate Budget Committee drafts an annual budget resolution that covers five fiscal years: the next fiscal year, for which appropriations and other budget actions are pending in Congress, and four out-years.⁶ The budget resolution is distinguished from other funding legislation first, because it is a resolution as opposed to a bill. A resolution is an act of Congress but is not sent to the President for signature and does not have the force of law.

⁴ Standing Rules of the Senate, Rule XXV 1.(e)(1), Committee on the Budget, United States Senate.

⁵ "Defense Budget Process." Center for Strategic and Budgetary Assessments, (<http://www.csba.com/defensebudgetprocess.htm>)

⁶ Schick, Allen.

"Instead, it is enforced through the rules and procedures of each chamber."⁷ A concurrent resolution addresses issues or matters affecting both the House and the Senate.

Second, the concurrent budget resolution determines the topline funding for functional budget categories. These functional categories do not specify agency or program funding, but rather group together related programs that may be implemented by a variety of agencies and/or departments. The twenty functional categories include national defense; international affairs; general science, space and technology; energy; natural resources and environment; agriculture; commerce and housing credit; transportation; community and regional development; education, training, employment, and social services; health; Medicare; income security; Social Security; veterans benefits and services; administration of justice; general government; net interest; allowances; and undistributed offsetting receipts.

(2) The Senate Budget Committee commissions studies continuously to analyze the effects of proposed and enacted legislation on budget spending and revenue measures.

4. Organizational Culture.

A. Values: The Senate Budget Committee has no published values document.

B. Leadership Traditions: The majority and minority party leadership roles evolved in order to provide a consultation mechanism between the political parties. Majority and minority leaders, whips, and committee membership are decided prior to the beginning of each Congressional session during the respective party conferences (or caucuses). "For Senate party leaders, the committee appointment process offers a means of promoting party discipline through the granting or withholding of desired assignments."⁸ A Senator's seniority is a significant factor in determining his/her influence in securing positions on key committees.

As provided for under Rule XXV 3.(a) in the Standing Rules of the Senate, the Committee on the Budget will consist of 22 Members. Committee assignments are decided by each political party during party conferences and then by a vote of the full Senate. Previously, the senior Senator on a committee held the position of Chair; more recently, however, Republican party rules were changed to allow committee members to elect the Chairs by secret ballot. With this change also came the decision from the Republican party to limit the service of committee Chairs – or Ranking Member when in the minority – to six years. These conditions have been in effect since 1995 when Republicans won the majority in Congress.

Senate standing committees are broken down into three categories of relative importance: Class A, Class B, and Class C committees. The Class A committees are ranked as the most important committees and include: Agriculture; Appropriations; Armed Services; Banking, Housing and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; Judiciary; and Labor and Human Resources. Republicans have distinguished four of the twelve Class A committees as "Super A" committees and include Appropriations, Armed Services, Finance, and Foreign Relations. Democrats have expanded on this "Super A" list to include the

⁷ "106th Congress: Key Issues and Early Agenda." Congressional Research Service Report for Congress. 31 December, 1998. p. 8.

⁸ "Senate Briefings: Committees." Learning About the Senate. (http://www.senate.gov/learning/brief_11.html)

Committee on Commerce, Science, and Transportation. Class B committees are ranked slightly below Class A committees, but are still essential to the Senate's operations. The Class B committees include Budget, Rules and Administration, Small Business, and Veterans' Affairs. Currently, there are no Class C standing committees.

A Senator may not serve on more than two Class A committees, one Super A committee and one Class B committee. A Senator is limited to being the Chair or Ranking Minority Member of one Class A subcommittee or one Class A committee plus one Class A subcommittee.

C. Staff Attributes: Professional staff for the Senate Budget Committee are recommended by Committee Members. However, the Chair will make the final decision on staff for the majority and the Ranking Member will have the final decision on staff for the minority. If the Committee Chair or Ranking Member changes, the new Chair or Ranking Member has the authority to make staffing changes as he/she pleases.

A committee's budget poses the only limitation on the number of professional staff. It is up to the Chair to decide if he/she would prefer a few high paid staff or more lower paid staff. In the 106th Congress, the Senate Budget Committee has 27 professional staff for the majority, 11-12 for the minority and 4-5 non-designated staff.

D. Strategy: The Senate Budget Committee has no published organizational strategy document.

E. Organization Chart: The Senate Budget Committee is one of 17 standing committees in the Senate and has no subcommittees. For the 106th Congress the membership is depicted below:

Senate Committee on the Budget

Republicans (12)	Democrats (10)
Pete V. Domenici* (NM) - Chair Chuck Grassley (IA) Don Nickles (OK) Phil Gramm (TX) Christopher Bond* (MO) Slade Gorton* (WA) Judd Gregg* (NH) Olympia Snowe* (ME) Spencer Abraham (MI) William Frist* (TN) Rod Grams* (MN) Gordon Smith* (OR)	Frank Lautenberg* (NJ) – Ranking Member Ernest Hollings* (SC) Kent Conrad (ND) Paul Sarbanes* (MD) Barbara Boxer* (CA) Patty Murray* (WA) Ron Wyden (OR) Russell Feingold* (WI) Tim Johnson (SD) Richard Durbin* (IL)

* Indicates Senator also sits on the Senate Appropriations Committee.

★ Indicates Senator also sits on the Senate Armed Services Committee.

✚ Indicates Senator also sits on the Senate Foreign Relations Committee.

5. Formal National Security Process Involvement. The Senate Budget Committee's involvement in the national security process is in drafting a budget resolution that establishes

Congress' budget policies and priorities through aggregate funding and revenue levels. The aggregate funding levels represent topline figures for the functional budget categories that include national defense; international affairs; general science, space, and technology; energy; transportation; and administration of justice. Additionally, the Committee monitors the budget process and oversees that the appropriated funds are used as designated by the Federal budget.

After receiving the President's budget request in January or February, the Senate Budget Committee holds hearings to collect testimony from Administration officials, academia, experts from the business community and other Members of Congress. The Senate and House Budget Committees are the only committees to hold hearings on the entire budget. The Administration officials called before the Committee are usually the Director of the Office of Management and Budget and the Chair of the Federal Reserve Board, among others. The Director of OMB will use this opportunity to advocate the President's budget proposal and answer questions concerning the budget. The Chair of the Federal Reserve Board will provide an analysis of the effects of the President's budget submission on monetary policy. The Director of the Congressional Budget Office also testifies, providing an independent analysis of the economic and budgetary effects of the President's budget. Typically, senior national security officials from DoD and the Department of State (DoS) will testify before the Budget Committee to justify the topline spending request for their departments.

Other Congressional committees review the President's budget submission, but do not hold hearings on the budget *per se*. They report comments to the Budget Committee approximately six weeks following release of the budget. These "views and estimates" reports highlight policy changes proposed by the committees.⁹

The Senate Budget Committee considers the testimony from hearings and the views and estimates reports when drafting the concurrent budget resolution. This input allows the Committee "to gain a broad understanding of budget issues and Congressional sentiment."¹⁰ The Senate Budget Committee may consult with the House Budget Committee when drafting the budget resolution in order to maintain some cohesion between the two versions of the resolution. However, any conflicting issues between the House and Senate budget resolutions will be worked out in a conference committee.

Both chambers of Congress should pass the budget resolution by April 15; however, this deadline often is not met. While the authorization and appropriations processes are theoretically dependent upon passage of the budget resolution in order to move forward, authorizers and appropriators will begin work on their respective bills regardless of the status of the budget resolution.

A. Strategy Development: The Senate Budget Committee currently has no role in strategy development.

B. Policy Guidance and Regulation: The Senate Budget Committee provides guidelines for Congressional appropriators by defining funding parameters for each functional budget category through passage of the concurrent budget resolution. The budget resolution is legally

⁹ Schick, Allen.

¹⁰ Schick, Allen. p. 77.

non-binding and is established for internal use within the Congress. The concurrent budget resolution is not a law and is not signed by the President.

The aggregate amount of funding set forth in the budget resolution serves as a guideline for Congressional appropriators and tax writers, who should adhere to the resolution in making revenue and spending decisions.¹¹ In theory, budget goals outlined in the Congressional budget resolution are implemented through the 13 appropriations bills. However, often the appropriators ignore the budget resolution when drafting funding legislation. In these cases, enforcement mechanisms established in the 1974 Congressional Budget Act permit the Budget Committee to sustain the aggregate spending and revenue levels. (See paragraph 5E. for further explanation.)

C. Planning: The Senate Budget Committee currently has no direct role in planning.

D. Mission Execution: The Senate Budget Committee currently has no role in mission execution.

E. Observation, Orientation, and Oversight: In general, the Senate Budget Committee maintains control over the funding allocations while other committees have control over programs. Therefore, through the reconciliation process, as designated by the Congressional Budget Act of 1974, the Senate Budget Committee maintains oversight of the authorization, appropriations and tax-writing committees regarding compliance with the budget resolution. In essence, the goal of the reconciliation process is to offset spending increases with revenue increases and revenue decreases with spending decreases.

The reconciliation process was first used in 1980 and is not implemented every year. This process instructs committees, "in the budget resolution, to develop legislation by a particular deadline that conforms existing revenue and direct spending law to budget resolution policies."¹² The Senate Budget Committee will issue "reconciliation instructions" to the committees that have made legislative funding or revenue changes that do not achieve the savings or deficit reduction that the Budget Committee has outlined in the budget resolution. Each committee that has been issued reconciliation instructions will draft a bill to implement the changes recommended by the Budget Committee. The draft bills provided by each committee will be consolidated into one "reconciliation bill." While the Senate Budget Committee has no other means to ensure that committees comply with the reconciliation process, these committees often act accordingly.

Once the reconciliation bill reaches the Senate floor, debate is limited to twenty hours and specific restrictions apply to amendments offered to the bill. If it were not for the influential role of the media, the bill possibly might be viewed as contentious legislation because it includes spending cuts and tax increases, both of which are politically dangerous for a Senator to support. However, because the media has labeled the bill in more favorable terms, calling it the "deficit reduction bill," Senators end up winning political support for their efforts to reduce the deficit and achieve public savings, instead of losing support by voting for tax increases and spending cuts.

¹¹ Schick, Allen.

¹² "106th Congress: Key Issues and Early Agenda." Congressional Research Service Report for Congress. 31 December, 1998. p. 8.

The Budget Committee also enforces the budget resolution through points of order.¹³ Points of order are parliamentary mechanisms that allow a Senator to object to proposed legislation, amendments, or Congressional action that violate the rules governing deliberation of the budget resolution. A point of order on the budget requirements may be waived if there is a vote of three-fifths of the full Senate.

Additionally, the Senate Budget Committee together with the House Budget Committee maintain oversight of the Congressional Budget Office, which was established to provide Congress with an "independent source of objective, expert and nonpoliticized budget estimates and economic projections."¹⁴

F. Preparation: The Senate Budget Committee currently has no direct role in preparation.

G. Resourcing: The main product of the Senate Budget Committee, the concurrent budget resolution, does not allocate funding for specific accounts or programs for Executive Branch agencies and programs. Rather, the budget resolution establishes the aggregate amount of the Federal budget and breaks down the funding into 20 functional areas of federal spending [see paragraph 3B. (1)].

6. Informal National Security Process Involvement. Senate Budget Committee staff maintain continuous informal relationships with OMB and CBO staff. Daily conversations at the staff level assist Budget Committee staff in collecting detailed information and answering specific questions on the President's budget submission. OMB staff also may use this informal information exchange and the relationships developed with Congressional staff through this process to advocate the President's budget proposal. (See Volume II, Chapter 3 entitled "Office of Management and Budget.")

7. Funding and Personnel.

A. Authorization and Appropriations: The authority establishing the Senate Budget Committee is the Congressional Budget and Impoundment Control Act of 1974, and the rules governing the committee's conduct are outlined in Rule XXV of the Standing Rules of the Senate. Funding for the Committee is appropriated by the Senate Appropriations Legislative Subcommittee.

B. Funding Sources: The Senate Budget Committee is funded through the Legislative Branch appropriations.

C. Budget: The Senate Budget Committee is appropriated \$3,449,315 for FY2000.

D. Personnel: In the 106th Congress, the Senate Budget Committee included 22 Senators and 42-44 professional staff.

¹³ "Points of order are prohibitions against certain types of legislation or congressional actions." Saturno, James V. "Points of Order in the Congressional Budget Process." Congressional Research Service Report 97-865. Updated April 15, 1999.

¹⁴ Tomkin, Shelly Lynne. Inside OMB: Politics and Process in the President's Budget Office. Armonk, N.Y.: M.E. Sharpe, 1998. p. 141.

8. Observations.

A. Observations: Under the Congressional Budget and Impoundment Control Act of 1974, a formal time frame and budget process has been established. However, it is important to note that this is a relatively new process—only 25 years old.¹⁵ While the 1974 Budget Act provides a framework to guide Congress in preparing revenue and spending measures, Congress' ultimate goal is to ensure funding is available for the new fiscal year. Therefore, the Senate will move forward with the authorization and appropriations process regardless of passage of the budget resolution.

While this is the formal process laid out in the 1974 Budget Act, political maneuvering can override budget procedures by use of parliamentary procedures. Therefore, this process serves only as a guideline for Congress and the Budget Committee. The formal budget process is sometimes ignored altogether due to conflicting political objectives and personalities within the committees involved in enacting appropriations bills (budget, authorization and appropriations) and within Congress in general. For example, through reconciliation instructions, the Budget Committee is authorized to enforce the topline spending amounts for each functional budget category if appropriators exceed their cap. However, depending on the seniority, influence, and political position of an appropriations subcommittee chair or the Appropriations Committee Chair, the spending caps may be waived (through parliamentary procedures) when the bill is addressed on the Senate floor.

As the United States approaches a new era of budget surpluses, the budget process may be redesigned to manage surpluses, just as the current budget process was established to manage on-going budget deficits. Currently, there is a proposal in the House of Representatives to modify the budget process. The Comprehensive Budget Process Reform Act of 1999 (H.R. 853) proposes to increase enforcement mechanisms and includes provisions to manage emergency spending and increase accountability and Congressional oversight.

B. Significant Informal Processes: As is the nature of the Congressional institution, completion of the budget resolution is accompanied by "extensive behind-the-scenes consultations involving both members and staff of other committees. The consultations serve to build support for the budget resolution and flesh out the program assumptions underlying the functional allocations."¹⁶ If a budget resolution is not completed, appropriators traditionally defer to the House Budget Committee figures.¹⁷ Despite Senate rules requiring that a budget resolution be in place in order to begin authorization legislation, the authorization and appropriation processes will move forward regardless of the absence of a budget resolution. Additionally, the Senate may begin drafting a budget resolution prior to receiving the House version.

¹⁵ Prior to the 1860's, there was only one process in funding government agencies and programs. It was not until the 1860's that the budget process was broken down into the authorization and appropriations processes. Interview with Congressional Research Service (CRS) staff. 24 September, 1999.

¹⁶ Schick, Allen. p. 77.

¹⁷ Interview with Congressional staff member. 13 August, 1999.

ORGANIZATIONAL DESCRIPTION

SENATE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

Senate Committee on Commerce, Science, and Transportation

Overview

The Senate Commerce, Science, and Transportation Committee is responsible for studying and reviewing all matters relating to science and technology, oceans policy, transportation, communications, and consumer affairs. Originally established as the Committee on Commerce and Manufacturing, the Committee has jurisdiction over:

- Communications;
- Space activities;
- Science and technology activities;
- Aviation;
- Maritime issues;
- Commercial activities;
- Manufacturing; and
- Consumer affairs.

Organization

The Senate Commerce, Science and Transportation Committee is one of 17 standing committees in the Senate and has seven subcommittees:

- Aviation;
- Communications;
- Consumer Affairs, Foreign Commerce, and Tourism;
- Manufacturing and Competitiveness;
- Oceans and Fisheries;
- Science, Technology, and Space; and
- Surface Transportation and Merchant Marine.

The Chair of the Committee and the Ranking Minority Member head the committee. The Committee is limited to a membership of 20 Senators and has approximately 55 professional staff.

Role in Formal and Informal National Security Processes

The Committee's jurisdiction focuses on commerce and commercial activities and it plays a key role in defining and balancing policy concerning the use of sensitive technologies (used for national security purposes or in military applications) in commercial applications. The Committee decides how sensitive technologies will be treated. For example, will the technology be made available for sale and export to foreign companies and governments, or restricted and controlled by the Federal Government. In passing legislation, the Committee also defines policy concerning the application of commercially developed technologies in national security functions and military applications. Therefore, the Committee straddles issues involving national security policy and commercial use applications of sensitive technologies. The Committee's oversight of certain critical infrastructures and the U.S. Coast Guard also gives it a strong role in any issue involving homeland security.

Observations

A committee's jurisdiction is often ambiguous and possibly overlaps with the jurisdiction of other committees. In these cases, each committee has its own ideas and objectives on how to approach the issue and the outcomes will vary depending upon the goals of the committee. Furthermore, each Senator is driven by his/her own political motivations on a particular issue, possibly resulting in conflicts within a committee or between committees on how to address the particular issue. Because of the broad jurisdiction of the Commerce, Science and Transportation Committee, many of the issues addressed by the Committee cross the boundaries of other committees' jurisdiction, including issues related to national security policy.

As is the nature of the Congressional institution, completion of legislative initiatives are accompanied by behind-the-scenes bargaining between Senators and staff of both parties and with other committees that may share jurisdiction on a particular issue. Because of the broad jurisdiction of the Commerce, Science and Transportation Committee, many of the issues addressed by the Committee cross the boundaries of national security policy and encroach on the jurisdiction of other committees, such as the Senate Armed Services Committee. In managing these issues, there will be close coordination and informal consultations between the Senators and staff from all committees involved.

ORGANIZATIONAL DESCRIPTION

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

1. Legal Specifications, Authorizations, and Responsibilities. Article I, Section 5, clause 2 of the Constitution provides that each chamber of Congress has the authority to determine the rules governing its procedures.

A. Congressional Statutes: The Senate Committee on Commerce, Science and Transportation (originally the Committee on Commerce and Manufacturers) is one of the original standing committees of the Senate¹ created during the 14th Congress in 1816.²

B. Other Related Directives: Senate Rule XXV 1(f)(1) of the Standing Rules of the Senate outlines the jurisdiction and related functions of the Committee on Commerce, Science and Transportation.

2. Missions/Functions/Purposes.

A. Major Responsibilities: The Senate Commerce, Science, and Transportation Committee is responsible for studying and reviewing all matters relating to science and technology, oceans policy, transportation, communications, and consumer affairs. The Committee also maintains jurisdiction over all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects³:

- (1) U.S. Coast Guard;
- (2) Communications;
- (3) Nonmilitary aeronautical and space sciences;
- (4) Science, engineering, and technology research and development and policy;
- (5) Transportation;
- (6) Merchant marine and navigation;
- (7) Marine and ocean navigation, safety, and transportation, including navigational aspects of deepwater ports;
- (8) Oceans, weather, and atmospheric activities;

¹ The other standing committees created in 1816 included Foreign Relations; Finance; Military Affairs; Naval Affairs; Judiciary; Public Lands; Post Office and Post Roads; Militia; Claims; and Pensions.

² Prior to 1816, the Senate operated with temporary committees to draft legislation. However, after the War of 1812, Senate members found it was more efficient to maintain consistently available expertise and did so under the standing committee structure.

³ Standing Rules of the Senate. "Standing Committees" Rule XXV clause 1(f)(1) Committee on Commerce, Science & Transportation. United States Senate.

(9) Panama Canal and interoceanic canals generally, except as related to the jurisdiction of the Committee on Armed Services;

(10) Coastal zone management;

(11) Highway safety;

(12) Inland waterways, except construction;

(13) Interstate commerce;

(14) Marine fisheries;

(15) Regulation of consumer products and services, (including testing related to toxic substances other than pesticides) except for credit, financial services, and housing;

(16) Regulation of interstate common carriers, including railroads, buses, trucks, vessels, pipelines, and civil aviation;

(17) Sports;

(18) Standards and measurement; and

(19) Transportation and commerce activities in U.S. territories.

B. Subordinate Activities and Agencies:

(1) Subcommittee on Aviation;

(2) Subcommittee on Communications;

(3) Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism;

(4) Subcommittee on Manufacturing and Competitiveness;

(5) Subcommittee on Oceans and Fisheries;

(6) Subcommittee on Science, Technology, and Space; and

(7) Subcommittee on Surface Transportation and Merchant Marine.

3. Vision and Core Competencies.

A. Vision: The Commerce, Science and Transportation Committee does not have a vision statement.

B. Core Competencies: The Senate Commerce, Science and Transportation Committee has broad jurisdiction over a variety of government agencies, industries, and issues. The Committee drafts legislation that regulates industries and protects consumers; maintains

oversight of distribution systems for interstate commerce (transportation systems); and determines policy on science and research and development issues.

Historically, the Committee's jurisdiction has included interstate and foreign commerce. In the late 1970s, the Committee acquired jurisdiction over aeronautical and space sciences. With this type of jurisdictional focus, the Committee plays a key role in regulating industries that emerge from technological developments, such as the communications industry, the aviation industry, and the commercial space industry. The Committee also maintains oversight of those government agencies that enforce the industry regulations (such as the Federal Communications Commission, the Federal Aviation Administration and the National Aeronautics and Space Administration).

4. Organizational Culture.

A. Values: The Senate Commerce, Science, and Transportation Committee has no published values document.

B. Leadership Traditions: The Senate majority and minority party leadership roles evolved in order to provide a consultation mechanism between political parties. Majority and minority leaders, whips, and committee membership are decided prior to the beginning of each congressional session during the respective party conferences (or caucus). A Senator's seniority is a significant factor in determining his/her influence in securing positions on key committees.

Senate standing committees are broken down into three categories of relative importance: Class A, Class B, and Class C committees. The Class A committees are ranked as the most important committees and include: Commerce, Science, and Transportation; Agriculture; Appropriations; Armed Services; Banking, Housing and Urban Affairs; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; Judiciary; and Labor and Human Resources. Republicans have distinguished four of the twelve Class A committees as "Super A" committees and include Appropriations, Armed Services, Finance, and Foreign Relations. Democrats have expanded on this "Super A" list to include the Committee on Commerce, Science, and Transportation. (Class B committees are ranked slightly below Class A committees, but are still essential to the Senate's operations. The Class B committees include Budget, Rules and Administration, Small Business, and Veterans' Affairs.) Currently, there are no Class C standing committees.

A Senator may not serve on more than two Class A committees, one Super A committee and one Class B committee. A Senator is limited to being the Chair or Ranking Minority Member of one Class A subcommittee or one Class A committee plus one Class A subcommittee.

C. Staff Attributes: Professional staff for the Senate Commerce, Science and Transportation Committee are recommended by Committee Members. However, the Chair will make the final decision on staff for the majority and the Ranking Member will have the final decision on staff for the minority. If the Committee Chair or Ranking Member changes, the new Chair or Ranking Member has the authority to make staffing changes as he/she pleases.

There are no restrictions on the number of staff the Committee may employ. However, the Committee's budget limits the number of professional staff. It is up to the Chair to decide if he/she would prefer a few high paid staff or more lower paid staff.

D. Strategy: The Senate Commerce, Science and Transportation Committee has no published organizational strategy document.

E. Organization: As provided for under Rule XXV clause 2 in the Standing Rules of the Senate, the Committee on Commerce, Science and Transportation consists of 20 Members. Committee assignments are decided by each political party during party conferences, and then by a vote of the full Senate. Previously, the senior Senator on a committee held the position of Chair; more recently however, Republican party rules were changed to allow committee members to elect the chair by secret ballot. With this change also came a decision by the Republican party to limit the service of committee Chairs—or Ranking Member when in the minority—to six years. These conditions have been in effect since 1995.

The Senate Commerce, Science and Transportation Committee is one of 17 standing committees in the Senate and has seven subcommittees as shown on the following chart:

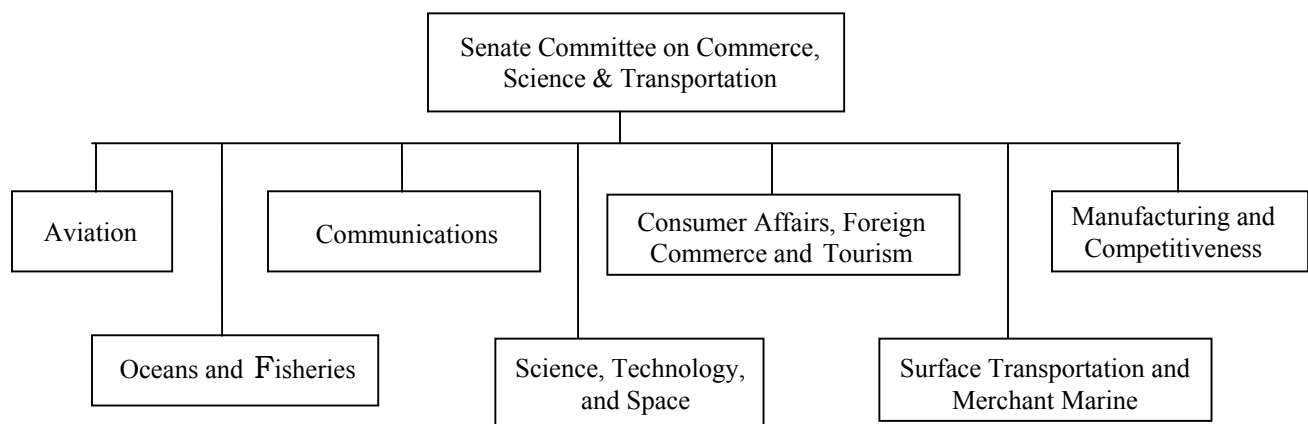


Figure 1: Organization of the Senate Committee on Commerce, Science, and Transportation

(1) Senate Committee on Commerce, Science, and Transportation

Membership of the Senate Committee on Commerce, Science, and Transportation for the 106th Congress is depicted below:

Republicans (11)	Democrats (9)
John McCain* (AZ) – Chair Ted Stevens* (AK) Conrad Burns* (MT) Slade Gorton* (WA) Trent Lott (MI) Kay Bailey Hutchison* (TX) Olympia Snowe* (ME) John Ashcroft* (MO) Bill Frist* (TN) Spencer Abraham (MI) Sam Brownback* (KS)	Ernest F. Hollings* (SC) – Ranking Member Daniel Inouye* (HI) John Rockefeller IV (WV) John Kerry* (MA) John Breaux (LA) Richard Bryan (NV) Byron Dorgan* (ND) Ron Wyden (OR) Max Cleland* (GA)

* Indicates Senator also sits on the Senate Appropriations Committee.

★ Indicates Senator also sits on the Senate Armed Services Committee.

✚ Indicates Senator also sits on the Senate Foreign Relations Committee.

At the discretion of the Chair, the full Committee addresses measures favorably reported out of the Subcommittees and, on occasion, measures reported unfavorably by the Subcommittees. Therefore, the issues addressed by the full Committee are varied due to the wide range of topics addressed by the Subcommittees as a whole. Subcommittee membership for the 106th Congress, and subcommittee responsibilities are addressed below:

(2) Aviation Subcommittee

Republicans (10)	Democrats (8)
Slade Gorton – Chair Ted Stevens Conrad Burns Trent Lott Kay Bailey Hutchison John Ashcroft Bill Frist Olympia Snowe Sam Brownback Spencer Abraham	John Rockefeller IV – Ranking Member Ernest F. Hollings Daniel Inouye Richard Bryan John Breaux Byron Dorgan Ron Wyden Max Cleland

The Aviation Subcommittee is responsible for oversight and authorization of aviation-related programs and those agencies that manage aviation issues (such as the aviation industry, aviation safety, the aviation trust fund, and the airport improvement program). The agencies that fall under the Subcommittee's jurisdiction and that have the greatest potential for direct national security impact include:

- The Federal Aviation Administration (Transportation Department);

- The National Transportation and Safety Board (Aviation Programs).

(3) Communications Subcommittee

Republicans (9)	Democrats (8)
Conrad Burns – Chair Ted Stevens Slade Gorton Trent Lott John Ashcroft Kay Bailey Hutchison Spencer Abraham Bill Frist Sam Brownback	Ernest F. Hollings – Ranking Member Daniel Inouye John Kerry John Breaux John Rockefeller IV Byron Dorgan Ron Wyden Max Cleland

The Communications Subcommittee is responsible for oversight and authorization of communications-related programs and those agencies that manage communications-related issues. This Subcommittee has jurisdiction over such topics as encryption communication, telecommunications industry economics, telecommunications law, universal service, and spectrum allocation. As these issues under the jurisdiction of the Subcommittee are directly linked to national security interests, measures addressed by this Subcommittee can directly impact national security. The agencies that fall under the Subcommittee's jurisdiction include:

- Federal Communications Commission;
- Corporation for Public Broadcasting;
- Communications Satellite Corporation; and
- Intelsat.

(4) Consumer Affairs, Foreign Commerce, and Tourism Subcommittee

Republicans (5)	Democrats (2)
John Ashcroft – Chair Slade Gorton Spencer Abraham Conrad Burns Sam Brownback	Richard Bryan – Ranking Member John Breaux

The Consumer Affairs, Foreign Commerce, and Tourism Subcommittee is responsible for the oversight of issues and programs relating to consumer law/product liability, insurance, domestic industries, foreign commerce, tourism, and the Olympics and sports. The Subcommittee has the opportunity to impact national security through the type of legislation it drafts, especially regarding foreign commerce. The Subcommittee is responsible for the oversight and authorization of the following government agencies:

- The Department of Commerce (generally);
- The Federal Trade Commission;
- Consumer Product Safety Commission; and
- National Highway Traffic Safety Administration (Department of Transportation).

(5) Manufacturing and Competitiveness Subcommittee

Republicans (5)	Democrats (4)
Spencer Abraham – Chair Olympia Snowe John Ashcroft Bill Frist Sam Brownback	Byron Dorgan – Ranking Member Richard Bryan Ernest F. Hollings John Rockefeller IV

The Manufacturing and Competitiveness Subcommittee has oversight of issues and federal programs concerning investment; innovation and U.S. industrial policy; general manufacturing issues; the impact of government policies on job creation; deregulation; and corporate subsidies and their impact on competitiveness. As economic prosperity is in America's national security interest, this Subcommittee potentially impacts national security policy through measures it addresses that promote efficiency and competitiveness in industry.

(6) Oceans and Fisheries Subcommittee

Republicans (4)	Democrats (3)
Olympia Snowe – Chair Ted Stevens Slade Gorton Kay Bailey Hutchison	John Kerry – Ranking Member Daniel Inouye John Breaux

The Oceans and Fisheries Subcommittee is responsible for oversight of issues and programs concerning coastal zone management; fisheries and marine mammals; and oil spill liability. The agencies that fall under the Subcommittee's jurisdiction and have the greatest potential for direct national security impact include:

- The U.S. Coast Guard (Department of Transportation);
- The National Oceanic and Atmospheric Administration – oceans programs (Department of Commerce).

(7) Science, Technology, and Space Subcommittee

Republicans (5)	Democrats (4)
Bill Frist – Chair Conrad Burns Kay Bailey Hutchison Ted Stevens Spencer Abraham	John Breaux – Ranking Member John Rockefeller IV John Kerry Byron Dorgan

The Science, Technology, and Space Subcommittee has oversight of issues and programs concerning federal research and development funding; the Internet; earthquake research programs; encryption technology; and international science and technology. The Subcommittee also is responsible for the oversight and authorization of the following government agencies:

- National Aeronautic and Space Administration;
- National Oceanic and Atmospheric Administration – Atmospheric (Department of Commerce);
- National Science Foundation;
- National Institute of Standards and Technology (Department of Commerce);
- Office of Science and Technology Policy (Executive Office of the President); and
- U.S. Fire Administration (Federal Emergency Management Agency).

(8) Surface Transportation and Merchant Marine Subcommittee

Republicans (11)	Democrats (9)
Kay Bailey Hutchison – Chair Ted Stevens Conrad Burns Olympia Snowe Bill Frist Spencer Abraham John Ashcroft Sam Brownback	Daniel Inouye – Ranking Member John Breaux Byron Dorgan Richard Bryan Ron Wyden Max Cleland

The Surface Transportation and Merchant Marine Subcommittee has oversight of issues and programs concerning the maritime industry; merchant marine; pipelines; hazardous materials transportation; the motor carrier industry; the railroad industry; and transportation safety. The Subcommittee also is responsible for the oversight and authorization of the following government agencies that may play a direct role in the national security process:

- The Federal Maritime Commission;
- The Maritime Administration (Department of Transportation);
- Surface Transportation Board (Department of Transportation); and
- Federal Railroad Administration (Department of Transportation).

5. Formal National Security Process Involvement. The Commerce, Science and Transportation Committee straddles issues involving national security policy and commercial use applications of sensitive technologies. The Committee's jurisdiction traditionally has focused on commerce and commercial activities and it has played a key role in defining and balancing policy concerning the liberalization of sensitive technologies (used for national security purposes or in military applications) for use in commercial applications. Technologies customarily reserved for use by the intelligence community and military for national security purposes have become available for use in the private sector. Samples of such technologies include encryption and space launch capabilities. The Committee decides how sensitive technologies will be treated. For example, the Committee influences whether technology is made available to foreign companies and governments, or restricted and controlled by the Federal Government. The Committee also defines policy concerning the use of commercially developed technologies applied in national security functions and military applications. Additionally, the Committee oversees and regulates programs that commission volunteer commercial carriers as reserve transportation for the military in times of intensified military mobilization (CRAF). The Committee's oversight of certain critical infrastructure gives it a strong role in any issue involving homeland security.

In 1977, the Senate adopted S. Res. 4, the Committee System Reorganization Amendments, which provided the current name for the Committee and the change reflected "the expanded jurisdiction given the Committee under the reorganization ... The Committee also was charged with the nation's science, engineering, and technology policy. Related to its new science responsibilities was jurisdiction over non-military aeronautical and space science policy."⁴

The history of the Committee demonstrates a focus on commerce and manufacturing. The legislation reported out of the Committee and its subcommittees often favors the loosening of restrictions on private business and industry regarding their uses of technology, depending upon the position taken by the Committee Chair. While such legislation may be advantageous for consumers, businesses, and industry, it also has impacted national security policy.

For example, legislation that relaxes restrictions on commercial activities while impacting national security policy include the PROTECT Act of 1999 (S.798), the Open-market Reorganization for the Betterment of International Telecommunications Act (ORBIT) bill (S.376), and the Commercial Space Act of 1997 (Public Law 105-303). The PROTECT Act is "a bill to promote electronic commerce that is consistent with national security goals and interests."⁵ This bill establishes an advanced encryption standard for commercial use while

⁴ "Evolution of the Committee on Commerce, Science and Transportation." The U.S. Senate Committee on Commerce, Science & Transportation. (<http://www.senate.gov/~commerce/evol.htm>).

⁵ "Committee Approves Encryption Bill." Press Release 106-82. U.S. Senate Committee on Commerce, Science and Transportation. 23 June, 1999.

authorizing increased funding to law enforcement and national security agencies to upgrade facilities and intelligence. The ORBIT Act "would amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications."⁶ The Commercial Space Act "promotes the commercialization of space without infringing upon national security to encourage the exchange of space technology between the private and public sector. It also establishes a framework for the licensing of commercial reentry activities."⁷

The Commerce Committee's oversight of research and development has prompted the Committee to encourage cooperation between federal research and development laboratories and the private sector through technology transfer and licensing agreements. Other legislation adopted by the Committee promotes the cost sharing of federal research and development with the private sector. For example, the Committee has recently reported the Federal Research Investment Act (S.2217), which "establishes a long-term plan for federal funding of fundamental, scientific, and pre-competitive engineering. It calls for increased funding levels for civilian research and development and authorizes an aggregate amount of discretionary spending for research and development from 1999 to 2010. The bill also establishes accountability procedures to measure success and determine the continuation of federal research projects."⁸

In preparing or addressing legislation under its jurisdiction, the Commerce, Science and Transportation Committee and its subcommittees hold hearings. Often the panelists at hearings include other Members of Congress, Administration and/or military officials, agency representatives, and experts in academia and/or the business community.

In each subcommittee's oversight capacity, authorization legislation is drafted each year to authorize funding for the government agencies and programs administered by those agencies that the subcommittees regulate and oversee. During this process, the subcommittees and the full Committee collect testimony from senior government officials managing the agencies and programs that fall under the Committee's jurisdiction.

A. Strategy Development: The Senate Commerce, Science and Transportation Committee currently has no direct role in strategy development.

B. Policy Guidance and Regulation: The Committee is responsible for guiding policy, oversight, regulation and authorization of the government programs and agencies under its jurisdiction.⁹ (See Paragraph 4.E. for a discussion of the specific issues, programs, and agencies the Commerce, Science and Transportation Committee regulate.)

C. Planning: The Senate Commerce, Science and Transportation Committee currently has no direct role in planning.

⁶ "International Satellite Reform Bill Approved by Committee." Press Release 106-52. U.S. Senate Committee on Commerce, Science and Transportation. 5 May, 1999.

⁷ "Senate Clears Technology, Space Bills." Press Release 105-298. U.S. Senate Committee on Commerce, Science and Transportation. 9 October, 1998.

⁸ "Senate Clears Technology, Space Bills."

⁹ "Subcommittees." The U.S. Committee on Commerce, Science & Transportation. (<http://www.senate.gov/~commerce/subcmte.htm>).

D. Mission Execution: The Senate Commerce, Science, and Transportation Committee currently has no direct role in mission execution.

E. Observation, Orientation, and Oversight: The Commerce, Science, and Transportation Committee has oversight authority over a number of federal government programs and the agencies that administer the programs. In its observation and oversight capacity, the Committee and Subcommittees will hold hearings to collect information on the effectiveness and success of the agencies for which it has jurisdiction. (See Paragraph 4.E. for a discussion of the specific issues, programs, and agencies the Commerce, Science and Transportation Committee regulate.) In Committee and Subcommittee hearings, Senators will hear from agency representatives, private sector experts and academia, think tanks, and other Members of Congress.

F. Preparation: The Senate Commerce, Science, and Transportation Committee currently has no direct role in preparation.

G. Resourcing: The Commerce, Science, and Transportation Committee is the authorizing committee for the government agencies outlined in each Subcommittee's jurisdiction. (See Paragraph 4.E. for a discussion of the specific agencies and the programs they administer for whom the Commerce, Science and Transportation Committee has jurisdiction.) Therefore, the Committee has "legislative jurisdiction over laws that set up or continue the operations of Federal programs and provide the legal basis for making appropriations for those programs. Authorizing committees also have direct control over spending for mandatory programs since the Government's obligation to make payments for such programs is contained in the authorizing legislation."¹⁰

6. Informal National Security Process Involvement. Senate Commerce, Science, and Transportation Committee staff and Subcommittee staff maintain continuous informal relationships with Administration officials within the White House and the Office of Management and Budget, other Executive Branch staff responsible for policy development, and the principals of the agencies for whom the Committee has authorizing jurisdiction. Additionally, Committee staff maintain regular consultations with their counterparts in the House and staff of the agencies for which the Committee has jurisdiction.

Regular conversations at the staff level assist the Committee and Subcommittee staff in collecting detailed information and answering specific questions relating to the operations of the agencies and programs that the Committee and Subcommittees oversee. Administration staff also may use this informal information exchange and the relationships developed with Congressional staff through this process to advocate the Administration's policy positions and positions of particular government agencies.

7. Funding and Personnel.

A. Authorization and Appropriations: Funding for the Commerce, Science, and Transportation Committee is authorized in the Standing Rules of the Senate.

¹⁰“The Congressional Budget Process—An Explanation.” Appendix I: Glossary. Committee on the Budget. United States Senate. (http://www.senate.gov/~budget/republican/reference/cliff_notes/cliffapi.htm).

B. Funding Sources: The Commerce, Science, and Transportation Committee is funded through the Legislative Branch Appropriations.

C. Budget: The Senate Commerce, Science, and Transportation Committee is appropriated \$3,823,318 for FY2000.

D. Personnel: The Senate Committee on Commerce, Science, and Transportation for the 106th Congress consists of 20 Senators and 55 professional staff.

8. Observations. A committee's jurisdiction is often ambiguous and possibly overlaps with the jurisdiction of other committees. In these cases, each committee has its own ideas and objectives on how to approach the issue and the outcomes will vary depending upon the objectives of the committee. Furthermore, each Senator is driven by his/her own political motivations on a particular issue, possibly resulting in conflicts within a committee or between committees on how to address the particular issue. Because of the broad jurisdiction of the Commerce, Science and Transportation Committee, many of the issues addressed by the Committee cross the boundaries of other committees' jurisdiction, including issues related to national security policy. For example, the Commerce Committee's jurisdiction may overlap with that of the Senate Armed Services Committee on issues such as aeronautical and space activities; research and development activities with military implications/applications; nuclear energy issues with aspects concerning national security; and strategic and critical materials necessary for the common defense.¹¹ In managing these issues, there will be close coordination and informal consultations between the Senators and staff from each committee involved.

Legislative efforts are accompanied by behind-the-scenes bargaining between Senators and staff of both parties and with other committees that may share jurisdiction on a particular issue. The Senate Majority Leader holds a great deal of power through coordinating consultations with the minority party and persuading majority party Senators to adopt the party position on certain issues. If the Majority Leader supports the legislative efforts of the Committee chair, the Majority Leader may support some of the Committee's initiatives. The Majority Leader also maintains control over the Senate floor calendar, which gives him/her a great deal of influence by controlling which measures and issues the full Senate will address. Therefore, any initiative of the Committee can result in no action depending on the priorities and interests of the Majority Leader.

¹¹ U.S. Senate Committee on Armed Services. "Committee Jurisdiction." (http://www.senate.gov/~armed_services/about.htm).

BIBLIOGRAPHY

Volume III - Congress

10 U.S.C. Sec. 193.

"106th Congress: Key Issues and Early Agenda." Congressional Research Service Report for Congress, December 31, 1998.

Almanac of the Unelected. Washington, D.C., Bernan Press, 1999.

Bach, Stanley and Carol Hardy Vincent. *House Rules Affecting Committees*. CRS Report for Congress. Washington, D.C.: Congressional Research Service, March 13, 1997.

Budget Agreement Enforcement Provisions, Public Law 101-508, 101st Congress, 2nd session, November 5, 1990.

The Committee System in the U.S. Congress. Washington, D.C.: Congressional Research Service, 1994 (<http://www.sen.gov/committees>).

"The Congressional Budget Process—An Explanation." Appendix I: Glossary. Committee on the Budget. United States Senate.
(http://www.senate.gov/~budget/republican/reference/cliff_notes/cliffapi.htm).

"The Congressional Budget Process—An Explanation." Committee on the Budget. United States Senate.
(http://www.senate.gov/~budget/republican/reference/cliff_notes/cliffloc.htm).

"Defense Budget Process." Center for Strategic and Budgetary Assessments,
(<http://www.csbahome.com/defensebudgetprocess.htm>).

Department of Transportation and Related Agencies Appropriations Act, 1999, Public Law 105-277, 105th Congress, 2nd session, October 21, 1998.

Dove, Robert B. (Parliamentarian, U.S. Senate). *Enactment of a Law*. (<http://thomas.loc.gov>).

Executive Office of the President. *Budget of the United States Government: Fiscal Year 2000*, "The Budget System and Concepts." Washington: D.C., Reproduced by the Library of Congress.

Flanders, David. Legislative Director, Office of Congressman Mike Thompson (D-CA)
Personal interview, August 13, 1999.

Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Public Law 103-236, 103rd Congress, 2nd session, April 30, 1994.

Goldwater-Nichols Department of Defense Reorganization Act of 1986, Public Law 99-433, 99th Congress, 2nd session, October 1, 1986.

"History of the Committee on Science, 105th Congress." House Committee on Science. U.S. House of Representatives. (<http://www.house.gov/science/history.htm>).

"House approves dramatic increase for Coast Guard drug interdiction efforts." Press Release. Transportation and Infrastructure Committee, March 17, 1999.

House Report 104-863, 104th Congress, 2nd session, September 28, 1996.

House Resolution 101, 106th Congress, 1st session, March 23, 1999.

House Rules for the 106th Congress. (<http://clerkweb.house.gov/106/docs/rules/Contents.htm>).

Johnson, Charles W. Parliamentarian, U.S. House of Representatives. *How Our Laws Are Made: Revised and Updated September 1999.* (<http://thomas.loc.gov/home/holam/txt>).

"Jurisdiction and Activities." Subcommittee on Aviation. House Transportation and Infrastructure Committee. 106th Congress, February 1999.

"Jurisdiction and Activities. Subcommittee on Coast Guard and Maritime Transportation." House Transportation and Infrastructure Committee. 106th Congress, February 1999.

"Jurisdiction and Activities. Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation." House Transportation and Infrastructure Committee. 106th Congress, February 1999.

"Jurisdiction and Activities. Subcommittee on Ground Transportation." House Transportation and Infrastructure Committee. 106th Congress, February 1999.

"Jurisdiction and Activities. Subcommittee on Oversight, Investigation, and Emergency Management." House Transportation and Infrastructure Committee. 106th Congress, February 1999.

"Jurisdiction and Activities. Subcommittee on Water Resources and the Environment." House Transportation and Infrastructure Committee. 106th Congress, February 1999.

Keith, Robert. *Introduction to the Federal Budget Process.* Washington, D.C., Congressional Research Service (Report Number 98-721 GOV), August 28, 1998.

Lillibridge, Scott, Dr. Director of the Office of Bio-Terrorism Preparedness and Response, National Center for Infectious Disease, CDC. Telephone interview, November 19, 1999.

Marlowe, Howard. *How Congress Works: A Handbook on Congressional organization and the Legislative Process.* (www.netlobby.com).

National Defense Authorization Act for Fiscal Year 1998, Public Law 105-85, 105th Congress, 1st session, November 18, 1997.

National Defense Authorization Act for Fiscal Year 1999, Public Law 105-261, 105th Congress, 2nd session, October 17, 1998.

National Missile Defense Act of 1999, Public Law 106-38, 106th Congress, 1st session, 22 July, 1999.

Rules of the House of Representatives—106th Congress; Rule X: Organization of Committees.

Sachs, Richard C. and Carol Hardy Vincent. *Hearings in the House of Representatives: A Guide for Preparation and Conduct*. CRS Report to Congress. Washington, D.C.: Congressional Research Service, August 10, 1999.

———. *Types of Committee Hearings*, CRS Report for Congress. Washington, D.C.: Congressional Research Service, March 30, 1999.

Saturao, James V. *The Congressional Budget Process: A Brief Overview*. CRS Report for Congress. (Order Code RS20095), March 1, 1999.

———. *Points of Order in the Congressional Budget Process*. Congressional Research Service Report 97-865, updated April 15, 1999.

Schick, Allen. *The Federal Budget: Politics, Policy, Process*. Washington, DC: The Brookings Institution, 1995.

Schneider, Judy. Congressional Research Service (CRS). Personal interview, September 24, 1999.

———. *House Committees: Categories and Rules for Committee Assignments*. CRS Report for Congress. Washington, D.C.: Congressional Research Service, February 20, 1998.

Senate Resolution 189, Section 3 and 10, 106th Congress, 1st session, 29 September, 1999.

"Senate Briefings: Committees." Learning About the Senate.
(http://www.senate.gov/learning/brief_11.html).

"Shuster praises Oversight Subcommittee for detailing confusion and waste in anti-terrorism effort." Press Release. Transportation and Infrastructure Committee, June 10, 1999.

Standing Rules of the Senate. (http://www.senate.gov/learning/learn_rules.html).

Streeter, Sandy. *The Congressional Appropriations Process: An Introduction*. CRS Report for Congress. Washington, D.C.: Congressional Research Service, August 3, 1999.

Tomkin, Shelly Lynne. *Inside OMB: Politics and Process in the President's Budget Office*. Armonk, N.Y.: M.E. Sharpe, 1998.

U.S. House of Representatives. Committee on Armed Services. Committee Hearing on the Fiscal Year 2000 National Defense Authorization Budget Request, 106th Congress, 1st session, February 24, 1999.

———. Committee on Armed Services. Committee Rules of the 106th Congress. (<http://www.house.gov/hasc/rules.htm>).

———. Committee on Armed Services. "Oversight Plan for the 106th Congress." (<http://www.house.gov/hasc/billsandreports/106thcongress/plan106.htm>).

———. Committee on Armed Services. "HASC Staff Information," (<http://www.house.gov/hasc/staffinfo.htm>).

———. Committee on International Relations. "Oversight Plan." Adopted by the Committee, February 11, 1999.

———. Committee on International Relations. *Rules of the Committee on International Relations*, 105th Congress, adopted February 5, 1997.

———. Committee on Rules, Majority Office, "The Appropriations Process," (http://www.house.gov/rules/approps_proc.htm).

———. Committee on Rules, Majority Office, "Legislating and Appropriating in the House," (http://www.house.gov/rules/legapp_house.htm).

———. Committee on Science, "Views & Estimates of the Committee on Science for Fiscal Year 2000." (<http://www.house.gov/science/viewsfy2000.htm>).

U.S. Senate. Committee on Armed Services. Memorandum entitled *Subcommittee Structure for the Committee on Armed Services*.

———. Committee on Foreign Relations. Rules of the Committee on Foreign Relations, adopted January 30, 1997.

———. *Rules of the Senate*, 106th Congress.

Vincent, Carol Hardy. *Committee Types and Roles*. CRS Report for Congress. Washington, D.C.: Congressional Research Service, May 11, 1998.

———, and Bullock, Faye M. "Committees of the United States House of Representatives." CRS Report for Congress (95-608 GOV), updated September 10, 1995.